CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

April 23, 2019

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

6:30 PM

WELCOME to a meeting of the Ontario Planning/Historic Preservation Commission.

All documents for public review are on file in the Planning Department located at 303 E. B Street, Ontario, CA 91764.

- Anyone wishing to speak during public comment or on a particular item should fill out a green slip and submit it to the Secretary.
- Comments will be limited to 5 minutes. Speakers will be alerted when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within the Commission's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of the chambers will not be permitted. All those wishing to speak including Commissioners and Staff need to be recognized by the Chair before speaking.
- The City of Ontario will gladly accommodate disabled persons wishing to communicate at a public meeting. Should you need any type of special equipment or assistance in order to communicate at a public meeting, please inform the Planning Department at (909) 395-2036, a minimum of 72 hours prior to the scheduled meeting.
- Please turn off <u>all</u> communication devices (phones and beepers) or put them on non-audible mode (vibrate) so as not to cause a disruption in the Commission proceedings.

ROLL CALL					
DeDiemar	Downs	Gage	Gregorek	Reyes	Willoughby

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

Citizens wishing to address the Planning/Historic Preservation Commission on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.

Please note that while the Planning/Historic Preservation Commission values your comments, the Commission cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.

CONSENT CALENDAR ITEMS

All matters listed under CONSENT CALENDAR will be enacted by one summary motion in the order listed below. There will be no separate discussion on these items prior to the time the Commission votes on them, unless a member of the Commission or public requests a specific item be removed from the Consent Calendar for a separate vote. In that case, the balance of the items on the Consent Calendar will be voted on in summary motion and then those items removed for separate vote will be heard.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of March 26, 2019, approved as written.

PUBLIC HEARING ITEMS

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

PLANNING COMMISSION ITEMS

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT18-008: A Tentative Tract Map (TM 20144) to subdivide oneacre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South
Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre)
zoning district. The project is categorically exempt from the requirements of the
California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In
Fill Development) of the CEQA Guidelines. The proposed project is located within the
Airport Influence Area of Ontario International Airport, and was evaluated and found to

be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-532-04) **submitted by Toan Nguyen.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PMTT18-008 (TM 20144) (Tract Map)

Motion to Approve/Deny

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-023: A Development Plan to construct a 62,000 square foot industrial building on approximately 2.6 acres of land, located at 1260 East Airport Drive within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0113-211-05, 0113-211-06, 0113-211-07) **submitted by Safety Investment Company.**

1. CEQA Determination

No action necessary – Exempt: <u>CEQA Guidelines Section § 15332</u>

2. File No. PDEV18-023 (Development Plan)

Motion to Approve/Deny

D. **ENVIRONMENTAL** ASSESSMENT AND **MINOR VARIANCE DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR18-006 AND PDEV18-**025: A Minor Variance (File No. PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66 (TM17931), in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 singlefamily dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 of the Esperanza Specific Plan. The Minor Variance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) of the CEQA Guidelines. The environmental impacts of the Development Plan were previously reviewed in conjunction with the Esperanza Specific Plan (PSP05-002), Environmental Impact Report (SCH#. 2002061047) certified by the City Council on February 6, 2007. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-252-16) submitted by

Christopher Development Group, Inc.

1. CEQA Determination

No action necessary – (Development Plan) use of previous EIR – (Variance) Exempt: <u>CEQA Guidelines Section § 15305</u>

2. File No. PVAR18-006 (Variance)

Motion to Approve/Deny

3. File No. PDEV18-025 (Development Plan)

Motion to Approve/Deny

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-032: A Development Plan to construct a 64 foot tall stealth wireless telecommunications facility (monopine) and 280 square foot equipment enclosure on 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0216-401-63) submitted by Verizon Wireless.

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15303

2. File No. PDEV18-032 (Development Plan)

Motion to Approve/Deny

F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-013: A Tentative Tract Map (File No. PMTT17-013/TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed

project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) **submitted by Richland Communities.** This item was continued from the March 26, 2019 Planning Commission meeting.

1. CEQA Determination

No action necessary – use of previous addendum to an EIR

2. <u>File No. PMTT17-013 (TM 20134)</u> (Tract Map)

Motion to Approve/Deny

G. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEWS FOR FILE NO'S. PMTT17-014, PMTT17-015 AND PMTT17-016: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 2) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and 3) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 13 lettered lots for residential and private streets for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities. This item was continued from the March 26, 2019 Planning Commission meeting.

1. CEQA Determination

No action necessary – use of previous addendum to an EIR

2. File No. PMTT17-014 (TM 20135) (Tract Map)

Motion to Approve/Deny

3. File No. PMTT17-015 (TM 20136) (Tract Map)

Motion to Approve/Deny

4. File No. PMTT17-016 (TM 20137) (Tract Map)

Motion to Approve/Deny

H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-005: A Development Agreement (File No. PDA18-005) between the City of Ontario and Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013), for property located on the north east corner of Haven and Schaefer Avenues within the Planning Area 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) land use designation of the Rich-Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich-Haven Specific Plan (File No. PSP05-004) EIR (SCH #2006051081) certified by City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities. City Council Action is required. This item was continued from the March 26, 2019 Planning Commission meeting.

1. CEQA Determination

No action necessary – use of previous addendum to an EIR

2. <u>File No. PDA18-005</u> (Development Agreement)

Motion to recommend Approval/Denial

I. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT AMENDMENT FOR FILE NO. PDA05-002: A Development Agreement Amendment (Third Amendment - File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC to release approximately 2.43 acres of land and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of Eucalyptus Avenue right-of-way, and a remainder parcel to Ontario Land Ventures, LLC. The project site is located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 9 (Multi-Family Attached) land use designation of the Parkside Specific Plan. The environmental impacts of this project were previously analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for

ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics (APN: 0218-231-09, 10-22, 30-31, 39 and 0218-221-06, 08-10). Submitted by SC Ontario Development Company, LLC. City Council action is required.

1. CEQA Determination

No action necessary – use of previous EIR

2. <u>File No. PDA05-002</u> (Development Agreement – Third Amendment)

Motion to recommend Approval/Denial

J. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT **AMENDMENT FOR FILE NO. PDA17-003:** A Development Agreement Amendment (First Amendment - File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC for the acquisition of approximately 2.43 acres of land and change the legal description for Tentative Parcel Map No. 19738 (File No. PMTT17-011) in conjunction with the lot line adjustment (File No. LLA18-010) and sale of Eucalyptus Avenue right-of-way, and a remainder parcel from SC Ontario Development Company, LLC. The project site is located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 1 (Business Park) land use designation of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APNs: 0218-261-16, 22, 23, 32, 0218-271-04, 08, 10, 13, 18, 0218-221-09) Submitted by Ontario Land Ventures, LLC. City Council action is required.

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA17-003 (Development Agreement – First Amendment)

Motion to recommend Approval/Denial

K. <u>ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE</u> <u>AMENDMENT REVIEW FOR FILE NO. PDCA19-002</u>: A Development Code Amendment revising certain provisions of the City of Ontario Development Code, including:

- The addition of provisions to Section 4.03.015 (Administrative Use Permits) establishing reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines;
- Revisions to Table 5.02-1 (Land Use Matrix) to allow certain uses in the MU-1 (Downtown Mixed Use) zoning district, which are less than 10,000 square feet in area, as an administratively permitted land use, including: alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room;
- The addition of alcoholic beverage manufacturing facilities regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
- The addition of Section 5.03.023 (Alcoholic Beverage Manufacturing) setting forth land use standards for the establishment of alcoholic beverage manufacturing facilities; and
- Revisions to Section 5.03.025 (Alcoholic Beverage Sales), amending certain provisions pertaining to on-sale and off-sale alcoholic beverage sales, and "public convenience or necessity" determination criteria.

The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project affects properties located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan; City Initiated. City Council action is required.

1. CEQA Determination

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

2. File No. PDCA18-002 (Development Code Amendment)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Did not meet this month

- 2) New Business
 - Subcommittee Nominations
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

1) Monthly Activity Report

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

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

* * * * * * * * * *

I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday**, **April 19, 2019**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Gwen Berendsen, Secretary Pro Tempore

thy Wahlstrom, Planning Director Planning/Historic Preservation Commission Secretary

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

March 26, 2019

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CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

March 26, 2019

REGULAR MEETING: City Hall, 303 East B Street

Called to order by Vice-Chairman Willoughby at 6:30 PM

COMMISSIONERS

Present: Vice-Chairman Willoughby, DeDiemar, Downs, Gage, Gregorek,

and Reyes

Absent: None

OTHERS PRESENT: Planning Director Wahlstrom, Assistant Planning Director

Zeledon, City Attorney Duran, Senior Planner D. Ayala, Senior Planner Mejia, Senior Planner Noh, Associate Planner Aguilo, Assistant Planner Antuna, Assistant Planner Vaughn, Development Administrative Officer Womble, Assistant City Engineer Lee, and

Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Reyes.

SPECIAL CEREMONIES

Mr. Willoughby stated that we would be honoring Commissioner Richard Delman, who served on the Planning Commission for many years, with a special presentation and some words from those that would like to reflect on Mr. Delman's service.

Ms. Wahlstrom spoke about first meeting Mr. Delman because of his historic childhood home, the Oakley house, which received a Model Colony Award. She stated that what she soon learned was that he loved his home and his hometown. She described Mr. Delman as a local historian, dedicated community leader, successful businessman and entertaining story teller, who was smart, humble, and honest, and used these characteristics to influence his beloved Ontario, in his service as a Planning Commissioner for 10 years.

Mr. Murphy described the passion with which Mr. Delman served the community and the organizations within it.

Mr. Zeledon described the many attributes of Mr. Delman and stated how much the Planning Department staff enjoyed his visits, friendship and leadership.

Each of the Planning Commissioners spoke about their wonderful memories and personal

relationships they had with him and the leadership and love for Ontario that Mr. Delman displayed in all his actions.

Ms. Wahlstrom presented Petrina Delman and the family, in honor of Mr. Richard Delman, with an inscribed clock and memory book put together by the staff and Commissioners.

There was a short recess for refreshments and pictures.

ANNOUNCEMENTS

Ms. Wahlstrom stated that the signed Engineering conditions for Item C, with no changes are before them.

PUBLIC COMMENTS

Ms. Irene Chisholm, a resident and President from the Creekside East community, stated she was here regarding the proposed rezoning in their area. She stated that she was at the very first neighborhood meeting regarding the planning of the dairy preserve area and what was proposed with the input from the community and that things didn't fan out, as planned. She stated that some of the homes have gone in and some haven't, but it was stated at those meetings that the city doesn't do patchwork zoning and that things wouldn't be changed without the residents input. She stated that the plan had the area zoned as commercial and light industrial and now it is proposed as general industrial and this will affect the housing in the Creekside East and Edenglen areas. She stated she was upset regarding these changes and was here to voice her concerns, for the Creekside East residents, regarding the proposed industrial that isn't wanted, and encouraged the Commission to have a meeting with those residents, to get feedback of what they would like in their neighborhood area.

Mr. Willoughby asked the planning director if meetings have been held in the area of the Edenglen Specific Plan, regarding the rezoning.

Ms. Wahlstrom explained that the applicant has proposed to change the zoning and the General Plan, within the Edenglen Specific Plan, which includes removing the Commercial along Riverside Drive and replacing it with Business Park and Industrial. She stated that there was a neighborhood meeting back in December and received several comments and that the Planning department continues to get comments. She stated that the applicant is aware of these comments and is considering what to do next, but that nothing is agendaized at this time.

Mr. D'Andre Lampkin, a resident and representative of the Creekside West community, as a broad member for their master HOA and the broad chair of the Lampkin Foundation, and Chief Executive Officer for Care Staff and Professionals. He stated that he cares about the community and its progress and because of his roles within the community, he is able to collaborate and work with residents. He stated he is aware that staff are asking for input from the community regarding the rezoning of the corner of Riverside Drive and Hamner and that residents have expressed a need for retail. He stated he would like to recommend a walkable retail space.

Mr. Willoughby stated the commission takes note of these comments.

CONSENT CALENDAR ITEMS

Mr. Gage pulled Item A-02 from the Consent Calendar.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of February 26, 2019, approved as written.

It was moved by Downs, seconded by Reyes, to approve the Consent Calendar, as written. The motion was carried 6 to 0.

PUBLIC HEARING ITEMS

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045: A modification to Development Plan (File No. PDEV17-045) to introduce two new single-story conventional floor plans, ranging in size from 1,445 square feet to 1,481 square feet for 34 lots within Tract 18400. The project consists of 40.20 acres of land located within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan, located at the southeast corner of Archibald Avenue and Eucalyptus Avenue. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on April 21, 2015. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) submitted by KB Home.

Senior Planner Noh presented his staff report describing the location and surrounding area and the history of the plan and the reason for the addition of the two new single story floor plans. He described the proposed product architecture and design. He stated that staff is recommending the Planning Commission approve File No. PDEV17-045, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage wanted clarification regarding the changes from the original plans and what percentage of the original floor plans were being given up to add the new floor plans.

Mr. Noh stated the original breakdown and that the applicant is reducing a few of all four of the existing approved planned units.

Mr. Gage wanted clarification regarding the graphic on page 3 of 15, which shows the percentages of the originally approved floor plans.

Mr. Noh stated yes the originally approved unit ratio isn't on there, but the percentages listed included the new floor plan percentages.

PUBLIC TESTIMONY

As there was no one else wishing to speak, Vice-Chairman Willoughby closed the public testimony

Mr. Willoughby wanted clarification that they were taking a few from each of the original floor plans to give the applicant a little more flexibility in their price point.

Mr. Noh stated that was correct.

Mr. Reyes stated that he sees the need for a lower cost break and understands what KB Homes is trying to do, with the market getting softer and trying to makes things more affordable.

Mr. Gage stated that he always wants clarification when we adjust the original plan and is generally against replacing with a cheaper product, when things come back, but sees that they are only replacing a few. He described the decisions made to establish this community and doesn't want this to become a trend.

PLANNING COMMISSION ACTION

It was moved by Downs, seconded by DeDiemar, to approve the Development Plan, File No. PDEV17-045. Roll call vote: AYES, DeDiemar, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

HISTORIC PRESERVATION ITEMS

B. <u>NINETEENTH ANNUAL MODEL COLONY AWARDS FILE NO. PHP19-002:</u> A request for the Historic Preservation Commission to accept the nominations for the Nineteenth Annual Model Colony Awards; submitted by City of Ontario. City Council presentation of Awards.

Assistant Planner Antuna, presented the staff report. She described the Model Colony Awards for 2019 which included an Award of Merit to the W.E. Baier House, the Patrick King House, and the Miss Lela McClelland House, a Rehabilitation Award to the Edward Smith House, and a George Chaffey Memorial Award to Richard Delman. She stated that staff is recommending the Planning Commission approve File No. PHP19-002, pursuant to the facts and reasons contained in the staff report. She stated the presentation of the awards would be at the May 7, 2019, City Council meeting.

No one responded.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Vice-Chairman Willoughby closed the public testimony

Mr. Gage described different stories and facts regarding all of the awards.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Gregorek, to approve the Model Colony Awards, File No. PHP19-002. Roll call vote: AYES, DeDiemar, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

PLANNING COMMISSION ITEMS

ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP18-036 AND PDEV18-034: A Conditional Use Permit to establish a drive-thru retail use in conjunction with a Development Plan to construct a commercial drive-thru retail/restaurant building, totaling 7,354 square feet on 1.16 acres of land located at the northeast corner of Grove Avenue and Philadelphia Street, at 2195 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0113-641-15) submitted by Phelan Development Company.

Assistant Planner Vaughn, presented the staff report. She described the location and the area surrounding the project. She described the proposed plan and the landscape, outdoor seating area, parking, architecture and design, and the drive-thru egress and ingress. She stated that staff is recommending the Planning Commission approve File Nos. PCUP18-036 and PDEV18-034, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification of the open courtyard area at the east side entrance, with regard to paving materials, shade ideas and patio design.

Ms. Vaughn stated that all the shade materials and furniture are conceptual and decorative paving detail the applicant can answer.

PUBLIC TESTIMONY

Ms. Katrina DeArmey, with Phelan Development appeared and introduced Marco Hanawi, with CC Architects, the lead architect on the project, and stated she accepted all the conditions of approval.

Mr. Reyes wanted clarification regarding the patio including the planter boxes and pavers.

Mr. Hanawi stated there would be concrete with a salt finish facing the parking on the east side, for easy cleaning for the food and coffee area.

Mr. Reves wanted clarification regarding the elements being used to provide shade.

Mr. Hanawi stated it is a conceptual design because they will need to work with the tenants but the idea is a shared patio area with umbrellas above the tables and the color and branding would depend on the tenant. He stated the project will receive credit for being a lead certified build.

Ms. DeArmey stated that the design is based around the possible nationally recognized tenant, which she can't disclose the name of at this time.

Mr. Reyes wanted clarification regarding the decorative pavement on the south side along Philadelphia.

Mr. Hanawi stated this would be stamped concrete with decorative paving, enhanced with color.

Mr. Willoughby asked regarding the time line.

Ms. DeArmey stated they have a set time frame to deliver, if they sign this tenant lease, so they would like to get it done quickly.

Mr. Lampkin commented that he has seen on previous projects that they lack traffic because people don't know what is there and the renderings shown don't show what kind of signage will go along Grove or Philadelphia and shows no signage except on the east side which won't be visible to traffic. He would like to recommend another rendering be submitted before the project is approved that reflects a monument sign on the corner, advertising all the businesses.

Mr. Willoughby stated there is proposed signage on three sides, facing Grove and South Philadelphia, on the building, which is better seen by traffic and the concern would be that landscaping could swallow up a monument sign.

Mr. Lampkin stated there is no signage on the corner, which displays the businesses as a group.

Mr. Willoughby stated they would take these comments into consideration.

As there was no one else wishing to speak, Vice-Chairman Willoughby closed the public testimony

Mr. Reyes made general comments regarding "golden corners" that lead from the freeways to downtown, which are very important. He stated items that would make it important would be an architectural element or signage and the amenities on the court area. He stated the patio needs attention and is hoping the applicant will work with staff to work out the particular details like color variations and recommended anti-glare for the concrete. He stated that we failed with an architectural element where we could have heightened the tower on the SW corner of the building by 5 feet and gotten better signage and more visibility. He stated he is looking at these corners globally of how we can bring people in from different areas of the community.

Mr. Willoughby stated he is excited about a national brand coming in and this project will add value to the area. He stated he likes the articulation and wanted clarification regarding the height of the structure.

Mr. Hanawi stated it is about 24 feet and agreed to make the tower a little bit higher. He stated that you have to look at the whole building and the dense landscaping on the corner to buffer the

drive-thru and the drive-thru canopy, in regards to signage. He also stated that this project is part of the lead certified program so they are using local products from the area.

Ms. DeArmey stated that they absolutely want the maximum available signage for their tenant's success, but understand that the tenants will need to follow the specific plan signage requirements.

Mr. Willoughby reiterated that the tenants would need to follow the specific plan signage requirements.

Mr. Reyes stated that the corners need to have unique corner treatments that will hold up for 20 years and make the most of the opportunities heading towards the center of town.

PLANNING COMMISSION ACTION

It was moved by Downs, seconded by Reyes, to adopt resolutions to approve the Conditional Use Permit, File No., PCUP18-036 and the Development Plan, File No., PDEV18-034, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-012: A Development Plan to construct a wireless telecommunications facility (T-Mobile) on an existing 139-foot tall SCE transmission tower on 12.3 acres of land generally located on the north side of Francis Avenue, approximately 1,000 feet of Milliken Avenue, within the SCE Easement land use designation of the Entratter Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-121-44) **submitted by T-Mobile.**

Associate Planner Aguilo, presented the staff report. She described the location and how the location will be accessed. She described the existing and proposed. She stated that staff is recommending the Planning Commission approve File No. PDEV18-012, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Ms. Lucia Ortega, the representative for T-Mobile, appeared and stated she accepts all the conditional of approval.

As there was no one else wishing to speak, Vice-Chairman Willoughby closed the public

testimony

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Gage, to adopt a resolution to approve the Development Plan, File No., PDEV18-012, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

Ε. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT AMENDMENT FOR FILE NO. PDA07-005: A Development Agreement Amendment (First Amendment - File No. PDA07-005) between the City of Ontario and STG Communities II, LLC, a California limited liability company, to modify certain infrastructure requirements associated with the development of Tentative Tract Maps Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002), located on the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with West Haven Specific Plan (PSP03-006) EIR (SCH# 2004071095) certified by the City Council on July 17, 2007. This application introduces no new significant environmental impacts, and all previously adopted mitigation measures are a condition of project approval. 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. (APNs: 2018-151-11 and 0218-151-38). Submitted by STG Communities II, LLC. City Council action is required.

Development Administrative Officer Womble, presented the staff report. He described the infrastructures improvements no longer needed and the key points of the Amendment. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA07-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Downs wanted clarification regarding the in lieu payment.

Mr. Womble stated they are no longer constructing a portion of Schafer and so they will pay the city to complete the street.

PUBLIC TESTIMONY

Brandon Roth with Strathem Homes, stated this amendment if basically catching the agreement up to the infrastructure already done by other developers.

Mr. Gage asked if the applicant agreed with the conditions of approval.

Mr. Roth stated yes.

As there was no one else wishing to speak, Vice-Chairman Willoughby closed the public

testimony

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Downs, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA07-005, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

- F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-013: A Tentative Tract Map (File No. PMTT17-013/TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 12 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities.
- ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEWS G. FOR FILE NO'S. PMTT17-014, PMTT17-015 AND PMTT17-016: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 2) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and 3) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 13 lettered lots for residential and private streets for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities.

H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-005: A Development Agreement (File No. PDA18-005) between the City of Ontario and Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013), for property located on the north east corner of Haven and Schaefer Avenues within the Planning Area 5A, 5B, 5C, and 5D (Residential – Small Lot SFD) land use designation of the Rich-Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich-Haven Specific Plan (File No. PSP05-004) Environmental Impact Report (SCH #2006051081) certified by City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company. City Council Action is required.

Items F - H were continued to the April 23, 2019 Planning Commission meeting unanimously.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on March 21, 2019.

- Tier determination
- Model Colony Awards
- CPF conference on May 8 -11, 2019

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

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

New Business

Mr. Reyes described some of the sessions he attended at the League of California Cities Planning Commission Academy, in Long Beach.

Election of officers:

Mr. Willoughby opened nominations for Chairman and Vice-Chairman.

Mr. Downs nominated Mr. Willoughby; Ms. DeDiemar seconded. It was unanimously approved.

Mr. Reyes nominated Ms. DeDiemar for Vice-Chairman; Mr. Gage seconded. It was unanimously approved.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Ms. Wahlstrom stated the Monthly Activity Reports are in their packets and subcommittee members need to be appointed next month.

Mr. Willoughby stated he would like the commissioners to contact him regarding their interests.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Gage.	The meeting was adjourned at 8:49 PM.
	Secretary Pro Tempore
	Chairman, Planning Commission



SUBJECT: A Tentative Tract Map (File No. PMTT18-008 / TT 20144) to subdivide one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1014-532-04); **submitted by Mr. Toan Nguyen**

PROPERTY OWNER: Barton 88 Investments, LLC

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT18-008, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 1 acre of land located at 2005 South Palmetto Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, and is depicted in Figure 1: Project Location, below. The project site is surrounded by residential land uses to the north, south, east, and west. The present site is currently a vacant and undeveloped property. The site gently slopes from north to south

and has some landscaping along the eastern side of the property, facing Palmetto Avenue (see Exhibit D – Site Photos).

PROJECT ANALYSIS:

[1] Background — On April 15, 2019, the Development Advisory Board (DAB) reviewed the subject application and recommended that the Planning proposed Commission approve the project, subject to departmental conditions of approval included in this report.

[2] <u>Tract Map Subdivision</u> — The applicant is requesting approval of a Tentative Tract Map (TT20144) to



Figure 1: Project Location

Case Planner:	Denny D. Chen
Planning Director Approval:	
Submittal Date:	5/15/2018
Hearing Deadline:	

Hearing Body	Date	Decision	Action
DAB	4/15/19	Approved	Recommend
ZA			
PC	4/23/19		Final
CC			

subdivide the one-acre project site into five numbered lots and two lettered lots. The proposed subdivision will facilitate the future development of single-family dwellings on each numbered lot.

The project will utilize the Small Lot Single Family Residential Development Standards of the Development Code (Division 6.01, Table 3.01 2A). The Small Lot Single Family Residential Development Standards allow for the reduction of the 7,200 square foot minimum lot size requirement of LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district to a minimum lot size of 4,000 square feet to provide flexibility for unique parcels and to complement the surrounding higher density developments.

The lots will range in size from 5,050 to 5,700 square feet with lot widths that range from 49 to 54 feet, and each with a lot depth of approximately 103 feet. The proposed lot sizes exceed the minimum 4,000 square foot lot requirement, minimum lot width of 40 feet and lot depth of 100 feet of the Small Lot Single Family Residential Development Standards.

- [3] <u>Site Access/Circulation</u> Access to each lot will be provided by a 20-foot wide private drive aisle (Lot A) that will be located along the south portion of the site with direct access from Palmetto Avenue. The private drive aisle will have a 5-foot landscaped planter along the south side and a 4-foot wide sidewalk along the north for pedestrian access from Palmetto Avenue. Frontage improvements along Palmetto Avenue include a 5-foot wide sidewalk and an 8-foot wide landscaped parkway. In addition, an 8-foot street dedication, for the widening of Palmetto Avenue, will be required (**see Exhibit C Schematic Site Plan**).
- [4] <u>CC&R'S</u> CC&Rs (Covenants, Conditions and Restrictions) are required for the proposed subdivision. The CC&Rs will be required to be submitted, reviewed and approved by the City. The CC&R's will be recorded with the Final Map to ensure ongoing maintenance of the private drive aisle and landscape improvements on each common lettered lot. Additionally, a condition of approval has been imposed on the project which requires a Development Plan be submitted for the design and construction of future homes. However, if the Development Plan is not submitted prior to Final Map recordation the Applicant will be required to submit site and architectural design guidelines to be incorporated into the CC&Rs to ensure architectural compatibility (design, scale and mass) for the proposed lots. This will ensure that if the 5 lots are sold separately, each future owner will be required to develop the lots according to the approved design guidelines contained within the CC&R's.
- [4] <u>Community Outreach</u> The project site is surrounded by single family and multifamily residential properties. To ensure community input from the surrounding residents of the proposed subdivision, a "Notice of Proposed Project" was mailed to all property owners within 300-feet of the project site on March 22, 2019. The intent of the notification was to inform the surrounding property owners of the proposed project and to address any questions or concerns regarding the project. Staff received a letter and an email

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regarding concerns about the project. One neighboring property owner expressed concerns regarding parking, trash pick-up, increased traffic and noise levels that may be generated by the proposed project. Staff explained to the resident that each future home will have a two car garage and two car driveway. Trash pick-up will be done on the private drive aisle along the frontage of each lot per the requirements of the City's Solid Waste department. The Traffic Engineering Department reviewed the project for access and circulation and does not anticipate traffic or noise to increase beyond the traffic and noise that currently exist along Palmetto Avenue. Staff also received an email from a neighboring resident who does not want the site to be developed.

[5] <u>Utilities (drainage, sewer)</u> — 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 vegetated swales, which lead to underground stormwater infiltration systems installed for the project. Any overflow drainage will be conveyed to the public street by way of parkway culverts.

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.

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[3] Governance.

Decision Making:

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

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
- ➤ <u>LU1-1 Strategic Growth</u>. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - Goal LU2: Compatibility between a wide range of uses.
- ➤ <u>LU2-6</u>: <u>Infrastructure Compatibility</u>: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
- ➤ <u>H2-5 Housing Design</u>. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
 - Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-6 Diversity of Housing</u>. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Community Design Element:

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- ➤ <u>CD1-3 Neighborhood Improvement</u>. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- > <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:
- Building volume, massing, and height to provide appropriate scale and proportion;

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

- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-8 Safe Design</u>. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.
- ➤ <u>CD2-13 Entitlement Process</u>. 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.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The Tentative Tract Map (TT 20144) will facilitate the development of five single family residential homes, by subdividing the 1-acre lot into five single family residential lots. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32,

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Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions:

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

CONDITIONS OF APPROVAL: See attached department reports.

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TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

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

General Site Statistics

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

Exhibit A—PROJECT LOCATION MAP

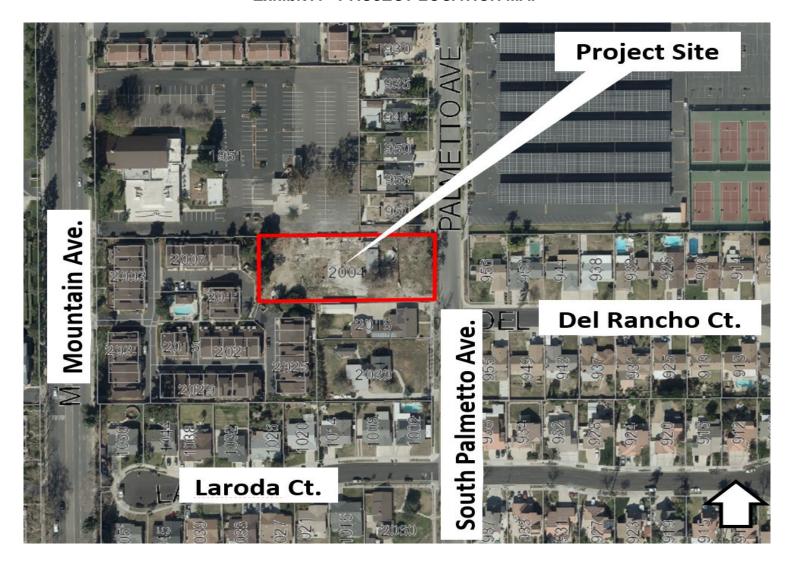


Exhibit B—TENTATIVE PARCEL MAP

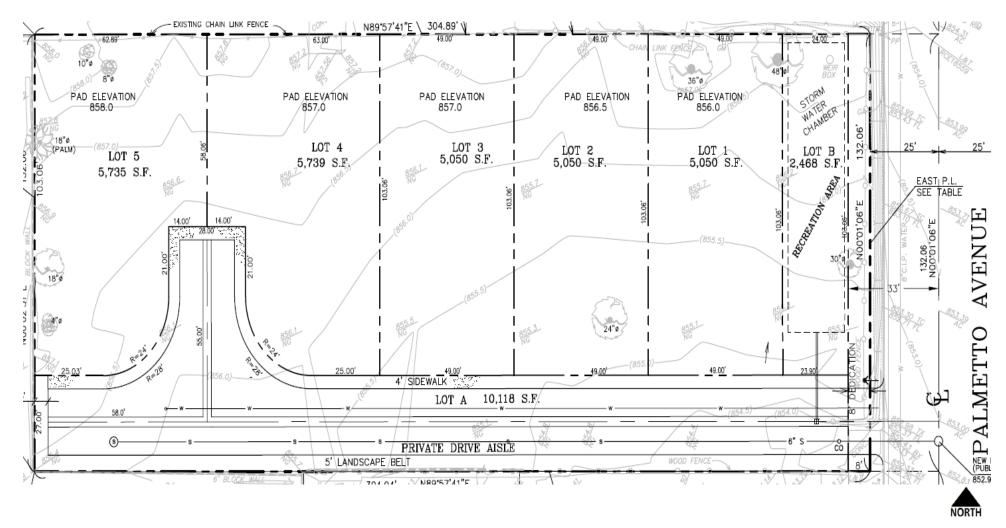


Exhibit C—SCHEMATIC SITE PLAN

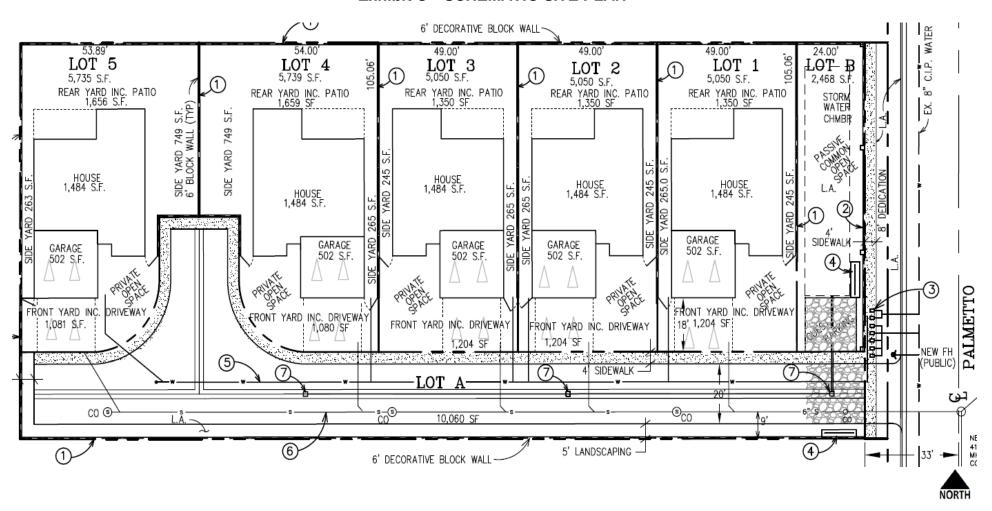
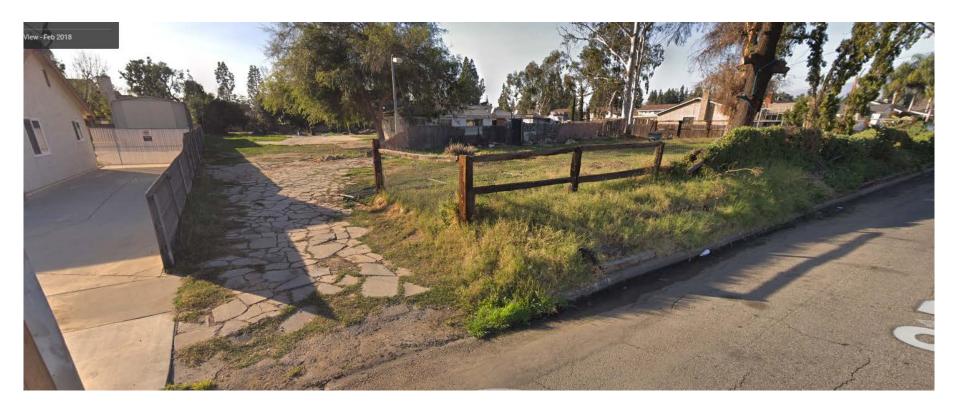


Exhibit D-Site Photos



Northeast View of Project Site

Exhibit E-Site Photos



Looking South from the Project Site

Exhibit F-Site Photos



View - Looking East from the Project Site

Exhibit G-Site Photos



View - Looking North from the Project Site

RESOLUTION NO.

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

WHEREAS, MR. TOAN NGUYEN ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT18-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

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

WHEREAS, the properties to the north, east and south of the Project site are all within the LDR-5 (Low Density Residential) zoning district and are developed with single-family dwellings. The property to the west is within the MDR-11 (Medium Density Residential) zoning district, and is developed with residential condominiums; and

WHEREAS, the Project will utilize the Small Lot Single Family Residential Development Standards of the Development Code (Division 6.01, Table 3.01 2A). The Small Lot Single Family Residential Development Standards allow for the reduction of the 7,200 square foot minimum lot size requirement of LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zone to a minimum lot size of 4,000 square feet to provide flexibility for unique parcels and to complement the surrounding higher density developments; and

WHEREAS, access to each lot will be provided by a 20-foot wide private drive aisle (Lot A) that will be located along the south portion of the site with direct access from Palmetto Avenue. The private drive aisle will have a 5-foot landscaped planter along the south side and a 4-foot wide sidewalk along the north for pedestrian access from Palmetto Avenue. Frontage improvements along Palmetto Avenue include a 5-foot wide sidewalk and an 8-foot wide landscaped parkway. In addition, an 8-foot street dedication, for the widening of Palmetto Avenue, will be required; and

WHEREAS, the proposed subdivision will produce five single family residential lots that will range in size from 5,050 to 5,700 square feet with lot widths that range from 49 to 54 feet, and each with a lot depth of approximately 103 feet. The proposed lot sizes exceed the minimum 4,000 square foot lot requirement, minimum lot width of 40 feet and

lot depth of 100 feet of the Small Lot Single Family Residential Development Standards; and

WHEREAS, a condition of approval has been placed on the project which requires a Development Plan be submitted for the design and construction of future homes. However, if the Development Plan is not submitted prior to Final Map recordation the Applicant will be required to submit site and architectural design guidelines to be incorporated into the CC&Rs to ensure architectural compatibility (design, scale and mass) for the proposed lots. This will ensure that if the 5 lots are sold separately, each future owner will be required to develop the lots according to the approved design guidelines contained within the CC&R's; and

WHEREAS, Public utilities (water and sewer) are available to serve the project. 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 vegetated swales, which lead to underground stormwater infiltration systems installed for the project. Any overflow drainage will be conveyed to the public street by way of parkway culverts; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-012, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

- (1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions:
- The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

- The Project site can be adequately served by all required utilities and public services.
- (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 Planning Commission.

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

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

<u>SECTION 4</u>: **Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

- (1) The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments. The proposed Tentative Tract Map is located within the LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 Complete Community).
- (2) The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments. The proposed Tentative Tract Map is located within the LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR5 (Low Density Residential 2.1 to 5.0 DU/Acre) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages; and
- Landscaped parkways, with sidewalks separated from the curb." (Policy CD2-2 Neighborhood Design).

- (3) The site is physically suitable for the type of development proposed. The project site meets the minimum lot area and dimensions of the LDR5 (Low Density Residential 2.1 to 5.0 DU/Acre) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The minimum lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceeds the minimum requirements.
- (4) The site is physically suitable for the density/intensity of development proposed. The project site meets the minimum lot area and dimensions of the LDR5 (Low Density Residential 2.1 to 5.0 DU/Acre) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The minimum lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceed the minimum requirements.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.
- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the overall right-of-way improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels. In addition, there are no known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.
- (7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan

component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<u>SECTION 5</u>: *Planning Commission Action*. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 6</u>: *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.

<u>SECTION 7</u>: **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.

<u>SECTION 8</u>: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar
Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution	
File No. PMTT18-008 (TT 20144) April 23, 2019	
Page 9	
STATE OF CALIFORNIA)	
COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
,	
I, Gwen Berendsen, Secretary Pro Ter City of Ontario, DO HEREBY CERTIFY that	npore of the Planning Commission of the
passed and adopted by the Planning Commis	
meeting held on April 23, 2019 by the following	g roll call vote, to wit:
AYES:	
NOES:	
NOES.	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen
	Secretary Pro Tempore

ATTACHMENT A:

File No. PMTT18-008 (TT 20144) Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date:

April 23, 2019

File No:

PMTT18-008

Related Files:

None

Project Description: A Tentative Tract Map (TT 20144) to subdivide one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1014-532-04); **submitted by Mr. David Boyle**

Prepared By:

Denny D. Chen, Associate Planner

Phone: 909.395.2424 (direct) Email: dchen@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.

1.1 Time Limits.

(a) Tentative Tract Map (TT 20144) approval shall become null and void 2 years following the effective date of application approval, unless the final tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

1.2 Subdivision Map.

- (a) The Final Tract Map shall be in conformance with the approved Tentative Tract/Parcel Map on file with the City. Variations rom the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract/Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(b)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.
- (c) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT18-008 (TT 20144)

Page 2 of 3

- 1.3 <u>General Requirements</u>. The Project shall comply with the following general requirements:
- (a) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.
- (b) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.
- 1.4 <u>Walls and Fences</u>. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).
- 1.5 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.
- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas:
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- (g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

1.6 Environmental Review.

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

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT18-008 (TT 20144)

Page 3 of 3

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

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

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

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

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

- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- (c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- 1.7 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

1.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee of \$50.00 dollars shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

1.9 Additional Requirements.

(a) If the lots will not be developed with an approved Development Plan, prior to recording Final Map, design guidelines and architectural styles for each lot shall be submitted to the Planning Department for review and approval. All future owners shall develop the individual parcels, according to the approved Design Guidelines & Architectural Styles for each parcel.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER		EL MAP [TRACT MAP PURPOSES	
		LE NO. <u>TM-2014</u> O(S). <u>PMTT18-0</u>		
⊠ OR	IGINAL 💢	REVISED:04/15	/19	
CITY PROJECT ENGINEER &	PHONE NO:	Antonio Alejos	(909) 395-2384 🙏	
CITY PROJECT PLANNER &	PHONE NO:	Denny Chen	(909) 395-2424	
DAB MEETING DATE:		April 15th, 2019		
PROJECT NAME / DESCRIPT	TION:	20144) to subdivid	ative Tract Map (TT de one-acre of land ots and 2 lettered lots.	
LOCATION:		2004 South Palme	tto Avenue	
APPLICANT:		Barton 88 Investment LLC		
REVIEWED BY:		Bryan Kirley P.E. Principal Engineer		
APPROVED BY:		Raymond Lee, P.E Assistant City Eng	Fox 4/9/19	

Last Revised: 4/9/2019



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.

	PKI	Check Wh	en
\boxtimes	1.01	Dedicate to the City of Ontario, the right-of-way, described below:	П
		8-feet along the west side of Palmetto Avenue to achieve the ultimate half street right-of-way width of 33-ft from street centerline.	
	1.02	Dedicate to the City of Ontario, the following easement(s):	
	1.03	Restrict vehicular access to the site as follows:	
	1.04	Vacate the following street(s) and/or easement(s):	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	
	1.06	Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	
	1.07	For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com/), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .	
	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
\boxtimes	1.09	Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	



\boxtimes	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) 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.	
\boxtimes	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:	
•			
		D TO ICCULANCE OF ANY DEDINES ADDITIONAL COLORS	100000000000000000000000000000000000000
2.	PRIO	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
2.	A. GE	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL: NERAL nits includes Grading, Building, Demolition and Encroachment)	
Z. ⊠	A. GE	NERAL	
	A. GE (Perm	NERAL nits includes Grading, Building, Demolition and Encroachment) Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in	
\boxtimes	A. GE (Perm 2.01	NERAL hits includes Grading, Building, Demolition and Encroachment) Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.	
\boxtimes	A. GE (Perm 2.01 2.02	Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel is a recognized parcel in the City of Ontario	
	A. GE (Perm 2.01 2.02 2.03	Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel is a recognized parcel in the City of Ontario per 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	
	2.01 2.02 2.03 2.04	Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel is a recognized parcel in the City of Ontario per 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 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment	
	2.01 2.02 2.03 2.04	Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel is a recognized parcel in the City of Ontario per 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 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment	
	A. GE (Perm 2.01 2.02 2.03 2.04 2.05	Record Parcel Map/Tract Map No. TM-20144 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel is a recognized parcel in the City of Ontario per 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 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment Make a Dedication of Easement. 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 (



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.

M	2.08	Submit a soils/geology report.	
	2.09	Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:	
		State of California Department of Transportation (Caltrans) San Bernardino County Road Department (SBCRD) San Bernardino County Flood Control District (SBCFCD)	
		Federal Emergency Management Agency (FEMA) Cucamonga Valley Water District (CVWD) for sewer/water service	
		United States Army Corps of Engineers (USACE) California Department of Fish & Game	
		Inland Empire Utilities Agency (IEUA) Other:	
	2.10	Dedicate to the City of Ontario the right-of-way described below:	
		feet on	
		Property line corner 'cut-back' required at the intersection ofand	
	2.11	Dedicate to the City of Ontario the following easement(s):	
	2.12	New Model Colony (NMC) Developments:	
		☐ 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.	
		☐ 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.	
		☐ 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.	
	2.13	Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.	
\boxtimes	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.	

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\boxtimes	2.15	Pay all Development Impact Fees (DIF) to the Building Department.	
	2.16	Other conditions:	



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

\boxtimes	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):
		(checked boxes):

Improvement	Palmetto Av	Street 2	Street 3	Street 4
Curb and Gutter	New; 20 ft. from 6/L Replace damaged	New; ft. from C/L Replace damaged	New; ft. from C/L Replace damaged	New; ft. from C/L Replace damaged
AC Pavement	Widon 1 additional foot along frontage, including povm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach (see Sec. 2.F)	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Sidewalk	New sidewalk adj. to right-of-way	New Remove and replace	New Remove and replace	New Remove and replace
ADA Access Ramp	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Parkway	☐ Trees ☐ Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)
Raised Landscaped Median	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Fire Hydrant	New / Upgrade Relocation	☐ New / Upgrade ☐ Relocation	New / Upgrade Relocation	New / Upgrade Relocation
Sewer (see Sec. 2.C)	Extend sewer main and construct a new manhole New lateral w/ a cleanout behind the property line	Main Lateral	Main Lateral	Main Lateral



w/ a backflow device behind the property line New service	Service	Service	Service
for irrigation purposes only w/ a backflow device behind the property line			
Main Service	Main Service	Main Service	Main Service
New Modify existing	New Modify existing	New Modify existing	New Modify existing
New Modify existing	New Modify existing	New Modify existing	New Modify existing
New / Upgrade Relocation	New / Upgrade Relocation	New / Upgrade Relocation	New / Upgrade Relocation
New Modify existing	New Modify existing	New Modify existing	New Modify existing
New under sidewalk drain	Main Lateral	Main Lateral	Main Lateral
Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances
Relocate poles if there is a conflict with proposed mprovements	Underground Relocate	Underground Relocate	Underground Relocate
Abandon existing aterals/services no longer to be used.			
	20 (20 (20 (20 (20 (20 (20 (20 (20 (20 (
vements listed in ite	em no. 2.17, above:_		
	Main Service New Modify existing New Modify existing New under sidewalk drain Conduit / Appurtenances Relocate poles if there is a conflict with proposed mprovements Abandon existing aterals/services to longer to be used.	Main Service Main Service Service New Modify existing New Modify existing New Modify existing New Modify existing New / Upgrade Relocation New Modify existing New Modify existing New / Upgrade Relocation New Modify existing Main Lateral Conduit / Appurtenances Conduit / Appurtenances Main Lateral Conduit / Appurtenances	Main

Last Revised 4/9/2019



	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. SE	WER	
	2.23	Ainch sewer main is available for connection by this project in(Ref: Sewer plan bar code:)	
\boxtimes	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 30-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.	
\boxtimes	2.26	Other conditions: 1. The Applicant/Developer shall construct a public sewer main in Palmetto Avenue from the new/proposed manhole in front of the project driveway approach to the existing manhole at the Del Rancho Court intersection.	
	D. WA	ATER	
\boxtimes	2.27	An 8-inch water main is available for connection by this project in Palmetto Avenue. (Ref: Water plan bar code: Unknown)	
	2.28	Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately feet away.	
	2.29	Other conditions:	
	E. RE	CYCLED WATER	
	2.30	Ainch recycled water main is available for connection by this project in (Ref: Recycled Water plan bar code:)	
	2.31	Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.	
	2.32	Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.	
	2.33	Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.	
		Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.	

Project File No. <u>TM-20144</u> Project Engineer: <u>Antonio Alejos</u> DAB Date: 04/15/2019



		2.34	Other conditions:	
		F. TE	RAFFIC / 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	
ı		2.36	New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.	
[\boxtimes	2.37	Other conditions: 1. The Applicant/Developer shall design and construct the entrance from Palmetto Avenue to the "Private Drive Aisle" per City Standard Drawing Numbers 1205 & 1206.	
			All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City Standard Drawing No. 1309.	
		G. DF	RAINAGE / HYDROLOGY	
		2.38	Ainch storm drain main is available to accept flows from this project in (Ref: Storm Drain plan bar code:)	
	☒	2.39	Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.	
	⅓	2.40	An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.	
		2.41	Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.	
]	2.42	Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.	
		2.43	Other conditions:	



	H. S (NPD	TORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM JES)	
	2.44	401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels. If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted. Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.	
	2.45	Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: http://www.sbcounty.gov/dpw/land/npdes.asp .	
	2.46	Other conditions:	
	J. SP	ECIAL DISTRICTS	
	2.47	File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.	
	2.48	Other conditions:	
	K. FIE	BER OPTIC	
	2.49	Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand-hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located along Palmetto Avenue, see Fiber Optic Exhibit herein.	
	2.50	Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.	
	L. Soli	d Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
	2.52	Other conditions:	

Project File No. <u>TM-20144</u> Project Engineer: <u>Antonio Alejos</u> DAB Date: 04/15/2019



3.	PRIC	OR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:	
\boxtimes	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.	
\boxtimes	3.05	Confirm payment of all Development Impact Fees (DIF) to the Building Department.	
\boxtimes	3.06	Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).	



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: Tract Map No. 20144

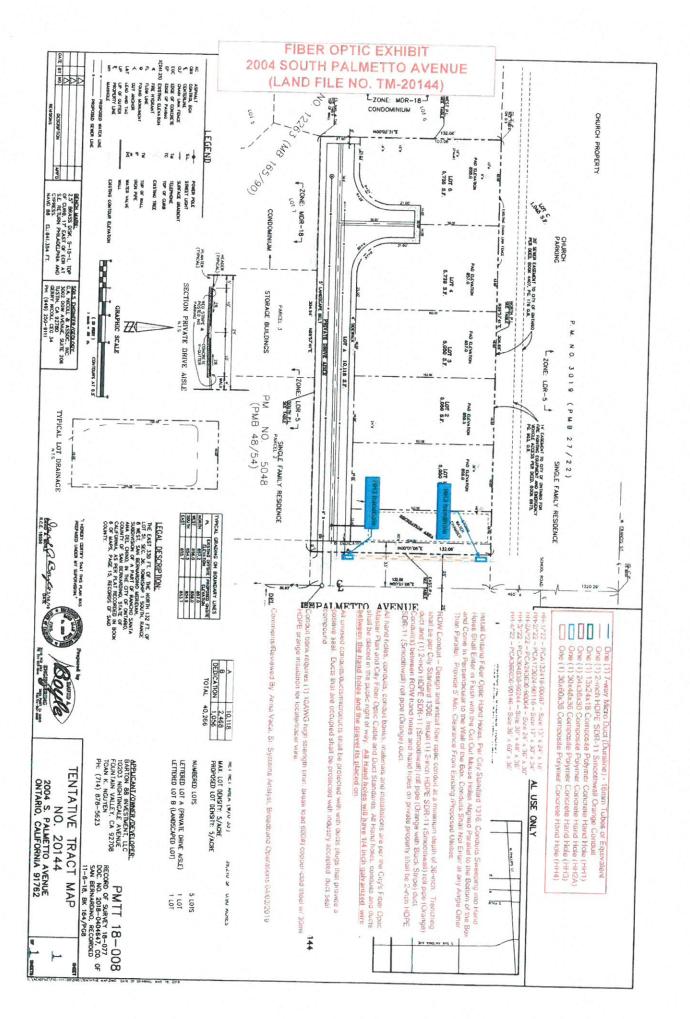
The following	items	are	required	to be	included	with	the firs	t plan	check	submittal:

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 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

Project File No. <u>TM-20144</u> Project Engineer: <u>Antonio Alejos</u> DAB Date: 04/15/2019



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





CITY OF ONTARIO MEMORANDUM

TO:

Denny Chen, Associate Planner

Planning Department

FROM:

Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE:

November 26, 2018

SUBJECT:

PMTT18-008 - A Tentative Tract map (TT 20144) to subdivide 1-acre of

land into 5 numbered lots and 3 lettered lots, located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential) zoning

district. APN: 1014-532-04

(Revision 2)

☐ The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2013 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Various

D. Number of Stories: Two Story

E. Total Square Footage: Various

F. 2013 CBC Occupancy Classification(s): R-3, U

CONDITIONS OF APPROVAL:

1.0 GENERAL

- I.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, click on "Fire Department" and then on "Standards and Forms."
- ∑ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.

3.0 WATER SUPPLY

- ☑ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- □ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13 D. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

5.0 BUILDING CONSTRUCTION FEATURES

- ∑ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ≥ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

	TO:	Scott Murphy, Development Director Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Aiport Planning Eric Woosley, Engineering/NPDES Joe De Sousa, Code Enforcement (Copy of memo only) Jimmy Chang, IT Department
	FROM:	Denny Chen, Associate Planner
	DATE:	November 21, 2018
	SUBJECT:	FILE #: PMTT18-010 Finance Acct#:
	The following your DAB rep	project has been submitted for review. Please send one (1) copy and email one (1) copy of cort to the Planning Department by Wednesday, December 5, 2018 .
	Note:	Only DAB action is required
		Both DAB and Planning Commission actions are required
		Only Planning Commission action is required
		DAB, Planning Commission and City Council actions are required
		Only Zoning Administrator action is required
-	4900 E. FOUR	SCRIPTION: A Parcel Map to subdivide 17.92 acres of land into two parcels located at the Street, within the Commercial/Office land use district of the Ontario Mills (California enter North/Ontario Gateway Plaza/Wagner Properties) Specific Plan (APN: 0238-014-05).
1	The plan	does adequately address the departmental concerns at this time.
/		No comments
	V	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.
		17/26/18
Ē	And S Department	Scape Planning Schandscape Planne - Signatures Title Planne - Date

CITY OF ONTARIO

LANDSCAPE PLANNING DIVISION

DAB CONDITIONS OF APPROVAL Sign Off

303 East "B" Street, Ontario, CA 91764	Carof Bell Carolyn Bell, Sr. Landscape Planner	12/26/18 Date	
Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 39	5-2237	
D.A.B. File No.: Related Files: PMTT18-010	Case Plan Denny C		
Project Name and Location:			
Parcel Map 4900 East Fourth St.			
Applicant/Representative: Commerce Center North/ Ontario Gateway/Wagne 3750 Long Beach Blvd ste 200 Long Beach, CA 90807	er Properties		
A Tentative Tract Map (dated 11/21/18) had the following conditions below be met up documents.	as been approved with the con on submittal of the landscape	sideration that construction	
A Tentative Tract Map (dated) has not be required prior to DAB approval.	en approved. Corrections note	ed below are	

On Construction Plans:

- 1. Note decorative paving to match where existing is removed or damaged
- 2. Note for compaction in landscape areas to not be greater than 85%; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- 3. Provide a tree inventory if construction within existing tree root or canopy area. Include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
- Note landscapes shall be maintained by the property management association or maintenance personnel.
- 5. Replace missing shade trees in parking lot islands required in every planter island and at each row end. Consider Ulmus 'Drake', Quercus ilex, Pistachia chinensis or similar.
- Repair or replace broken or leaking irrigation system.
- 7. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
- 8. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
- 9. Landscape and irrigation plans and installation shall meet the requirements of the Landscape Development Guidelines. See http://www.ontarioca.gov/landscape-planning/standards



CITY OF ONTARIO

MEMORANDUM

Denny Chen, Associate Planner May 17, 2018 SUBJECT: FILE #: PMTT18-008 Finance Acct#: The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by Thursday, May 31, 2018. Note: Only DAB action is required Both DAB and Planning Commission actions are required Only Planning Commission action is required DAB, Planning Commission and City Council actions are required Only Zoning Administrator action is required Only Zoning Administrator action is required PROJECT DESCRIPTION: A Tentative Tract Map to subdivide 1 acre of land into 4 small lot single family esidential lots along with 3 lettered lots, located at 2004 South Palmetto Avenue, within the LDR5 zoning district (APN: 1014-532-04). The plan does adequately address the departmental concerns at this time. Report attached (1 copy and email 1 copy) Standard Conditions of Approval apply	
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_ /	
The plan does not adequately address the departmental access	
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 DOUGHTS SODEL MANAGEMENT 5/2	29/18

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PMTT18-008			Reviewed By:
Address:	2004 S Palmetto Ave			Lorena Mejia
APN:	1014-532-04			Contact Info:
Existing Land Use:	Single Family Resider	tial		909-395-2276
Proposed Land Use:	Tentative Tract Map to	subdivide 0.6 acres into 4 sing	le family lots	Project Planner: Denny Chen
Site Acreage:	0.6 ac	Proposed Structure Heig	ght: N/A	Date: 8/1/18
ONT-IAC Project	t Review: N/A			CD No.: 2018-057
Airport Influence	Area: ONT			PALU No.: n/a
Th	ne project is im	pacted by the follow	ing ONT ALUCP Compa	tibility 7 ones:
Safet	Control of the contro	Noise Impact	Airspace Protection	Overflight Notification
Zone 1		75+ dB CNEL	High Terrain Zone	Avigation Easement
Zone 1A	\sim			Dedication
\sim		70 - 75 dB CNEL	FAA Notification Surfaces	Recorded Overflight Notification
Zone 2	\subset	65 - 70 dB CNEL	Airspace Obstruction Surfaces	Real Estate Transaction
Zone 3		60 - 65 dB CNEL		Disclosure
Zone 4	_		Airspace Avigation Easement Area	
Zone 5			Allowable Height: 200 + FT	
	The project is	impacted by the foll	lowing Chino ALUCP Saf	ety Zones:
Zone 1	Zone 2	Zone 3	Zone 4 Zone	5 Zone 6
Allowable Heig	ht:			
- Water Street Company	CONTRACTOR COMPANY	CONSISTENCY	DETERMINATION	Managara Santa Santa
经验证证证	的學生學學學	CONSISTENCI	DETERMINATION	数 33数 137 137 137 137 137 137 137 137 137 137 137 137 137 137
This proposed Pro	oject is: Exempt f	rom the ALUCP Con	sistent • Consistent with Con	ditions Inconsistent
The proposed p evaluated and for ONT.	roject is located wit ound to be consisten	thin the Airport Influence And with the policies and crit	Area of Ontario International Ai teria of the Airport Land Use Co	rport (ONT) and was ompatibility Plan (ALUCP)
See attached co	ndition.			
Airport Planner S	ignature:	Lanen 1	Ygie	

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2018-057
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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

CITY OF ONTARIO MEMORANDUM

	TO:	PLANNING DEPARTMENT, Denny Chen
FR	OM:	BUILDING DEPARTMENT, Kevin Shear
DA	ATE:	May 30, 2018
SUBJE	ECT:	PMTT18-008
\boxtimes	The p	lan does adequately address the departmental concerns at this time.
		No comments
	\boxtimes	Report below.
		Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



FILE NO.: PDEV18-023

SUBJECT: A Development Plan (File No. PDEV18-023) to construct a 62,000-square foot industrial building on approximately 2.6 acres of land located at 1260 East Airport Drive, within the IG (General Industrial) zoning district (APNs: 0113-211-05, 0113-211-06, 0113-211-07); **submitted by Safety Investment Company.**

PROPERTY OWNER: Safety Investment Company

RECOMMENDED ACTION: That the Planning Commission consider and approve File No. PDEV18-023, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of approximately 2.6 acres of land located at 1260 East Airport Drive, within the IG (General Industrial) zoning district, and is depicted in Figure 1: Project Location, below. The project site is generally located along the northeast corner of Grove Avenue and Airport Drive, approximately 225 feet east of

Grove Avenue. The proposed site is comprised of three parcels that will be consolidated to one parcel, through a lot merger. The project site is long and narrow with lot dimensions of 202-feet wide by 555-feet deep. The subject property is surrounded by the Union Pacific Railroad to the north, multi-family homes to the west, Ontario Airport property to the east, and airport parking to the south (see Exhibits F & G: Site Photos).

PROJECT ANALYSIS:

[1] <u>Background</u> — On April 15, 2019, the Development Advisory Board reviewed the subject application and recommended that the Planning



Figure 1: Project Location

Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	6/21/18

Hearing Body	Date	Decision	Action
DAB	4/15/19	Approved	Recommend
PC	4/23/19		Final
CC			

Commission approve the proposed project, subject to departmental conditions of approval included with this report.

The Ontario Development Code requires that all industrial developments exceeding a floor area ratio (FAR) of 0.45, up to a maximum FAR of 0.55, are reviewed and approved by the Planning Commission. The Applicant, Safety Investments Company, is requesting approval of a 62,000 square feet industrial building at a maximum floor area ratio (FAR) of 0.55 and therefore Planning Commission review and approval for the project is required.

[2] <u>Site Design/Building Layout</u> — The proposed 62,000 square foot industrial building will be oriented north to south, with the front facing south and west. The building will provide an 84-foot setback along Airport Drive, 63-feet along the west property line (interior side), 10-feet along the north property line, and 0-setback along the east property line (interior side), meeting the minimum setback requirements of the IG zoning district.

The building has been designed with two office suites. One office suite (Suite A) will be located at the buildings southwest corner and the second office suite (Suite B) is located at the northwest corner of the building (see Exhibit B: Site Plan). Each suite will include an office area at the first floor, a mezzanine above, and warehouse space. Suite "A", located on the southwest corner of the building, faces south towards Airport Drive, with the entry on the west. Suite "B", located on the northwest corner of the building, will have its entry on the west and oriented west onto the parking lot.

Parking and warehouse loading areas, will be located on the west side of the building, between each office pod. Eight-foot high site walls, in conjunction with inset areas in the building footprint, have been designed and situated to minimize public views into the loading areas. The site walls have been designed to complement the architecture of the building.

The property to the west of the project site is zoned IG (General Industrial) and developed with nonconforming multi-family homes built in the 1960s. To address any visual and potential noise impacts that may be associated with the proposed industrial development, staff worked with the Applicant on the placement and layout of the building. To avoid having 469 linear feet of building wall, at a height between 38 to 41 feet, facing the residential units along the entire west property line, the building was situated along the east property line and setback approximately 61 feet from the west property line. To provide privacy, screening and reduce potential noise impacts to the residents, a 6-foot high concrete tilt-up wall will be constructed along the west property line. The proposed wall will increase to a height of 8 feet, along the center section, to screen the truck yard area of building and reduce potential noise impacts. In addition, a 6-foot high tubular steel fence, approximately 100 linear in length from Airport Drive north onto the project site, will be provide along the southwest property line of the site to provide a clear line of sight for residents exiting their property onto Airport Drive.

- [3] <u>Site Access/Circulation</u> Access from Airport Drive will be provided through a single 40-foot wide driveway, located along the western area of the building. The entryway will consist of decorative colored concrete paving (**see Exhibit B: Site Plan**). The truck yard area provides for adequate truck and Fire Department access and turn-around space. Employee and visitor parking for Suite "A" will be provided along the southwest area of the office area. Visitor and guest parking, for Suite "B", will be provided along the west area of the office. Pedestrian access will be provided through a 5-foot wide sidewalk along the office frontages.
- [4] Parking The project complies with the Ontario Development Code's minimum off-street parking requirements for industrial development. The proposed 62,000 sq. ft. industrial building is required to provide a total of 48 parking spaces and two trailer parking spaces. The project will provide 48 parking spaces and two trailer parking spaces; therefore, no parking issues are anticipated. Off-street parking was calculated as shown in the table below:

Table 1: Summary of Parking

Land Use	Gross Floor Area	Parking Ratio	Required Parking	Total Parking Provided
Warehouse	54,000	1:1000 SF (1st 20,000) 1:2000 SF (+20,000);plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA (Gross Floor Area).	20 20	20 20
Office	8,000	1:250 Only 2,000 sq. ft. of office are required to be parked at 1:250	8	8
Dock Doors (8)	0	1-Trailer Space: 4 Doors	2	2
Total	62,000		48 2-Trailer Spaces	48 2-Trailer Spaces

[5] <u>Architecture</u> — The project is proposing tilt-up construction with a Contemporary Architecture style. The project is proposing a development which exemplifies the high-quality architecture promoted by the Ontario Development Code and the Ontario Plan (see Figure 2: Building Perspective & Exhibits D & E: Building Elevations). The building will incorporate architectural tower elements along the southwest and northwest areas of the building, which will help to break up the building mass. Special attention has

been given to the use of colors, massing, building forms, materials and architectural details. This is exemplified through the use of:

- Extensive use of glazing on storefronts and along the upper portions of the building;
- Articulation in building foot print and building roof lines;
- Incorporation of playful horizontal and vertical reveal patterns;
- Architectural towers along the southwest & northwest building corners;
- Incorporation of decorative 24" canopies over the front office entry areas;
- Decorative sconce lighting fixtures at front office entry areas;
- Stainless steel aluminum storefront framing to accentuate the office storefront areas;
- Incorporation of 6-inch metal lintels over the smaller windows at key locations;
- Decorative horizontal form liners along key architectural elements, along the upper portions of the building; and
- Incorporation of four different building colors (Honed Soapstone, Saw Grass Basket, Dirty Martini, Aged White) to accentuate the building's architecture design.



Figure A: Building Perspective

[6] <u>Landscaping</u> — The IG land use designation requires the project to provide a minimum 10% landscape coverage. The proposed project provides a 12.4% landscape coverage, therefore, exceeding the minimum landscape requirement. Landscaping will be provided in the form of a 30-foot landscape setback along Airport Drive, a minimum of 7-feet of landscaping along the project's west (interior side) property line, and 10-feet of landscaping along the project's north (rear) property line. In addition, extensive

landscaping in the form of ground cover, shrubs and trees will also be provided throughout the interior of the development. The landscape pallet incorporates a combination of 24", 36" and 48" box sized accent and shade trees that includes London Plane, Chinese Elm, Western Redbud, Tristaniopsis "Laurina" Kannoka, Black Cottonwood and Fern Pine.

The front office entry and the entry driveway utilize decorative paving to accent and further define these areas. In addition, a 15-foot by 15-foot patio area has been incorporated into the site design (**see Exhibit C: Landscape Plan**). The patio design includes weather resistant outdoor furniture (table & benches), enhanced paving, and a decorative 9-foot by 10-foot lattice shade structure.

- [7] <u>Signage</u> The project is not proposing any signage at this time. However, all new signage shall comply with the requirements of the Development Code and are required to be reviewed and approved by the Planning Department prior to permit issuance.
- [8] <u>Utilities (drainage, sewer)</u> 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, bio treatment, and evapotranspiration. The PWQMP proposes underground chambers designed to accept runoff from building roofs, parking lots and project roadways. The proposed underground chambers will be located along the south and southwest portions of the building. In addition, the project will be required to:
 - Replace curb and gutter along Airport Drive;
 - Landscape parkway along Airport Drive;
 - · Replace the main and lateral sewer line along Airport Drive;
 - Construct a 2-inch asphalt concrete (AC) grind and overlay on Grove Avenue and Airport Drive;
 - Design and construct a sewer main extension. The closest main is approximately 1440 feet away; and
 - Construct a 21-inch sanitary sewer main running south along Grove Avenue from Airport Drive to the existing 21-inch sanitary sewer main.

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

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
- ➤ <u>LU1-6 Complete Community</u>: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
 - Goal LU2: Compatibility between a wide range of uses.
 - Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
- ➤ <u>LU2-6</u>: <u>Infrastructure Compatibility</u>: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-6 Diversity of Housing</u>. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
- ➤ <u>S1-1 Implementation of Regulations and Standards</u>. 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.
- ➤ <u>S4-4 Truck Traffic.</u> We manage truck traffic to minimize noise impacts on sensitive land uses.
- ➤ <u>S4-5 Road Design.</u> We design streets and highways to minimize noise impacts.

Community Design Element:

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- ➤ <u>CD1-1 City Identity</u>. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
- ➤ <u>CD1-2 Growth Areas</u>. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
- ➤ <u>CD1-3 Neighborhood Improvement</u>. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- > <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:
- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-8 Safe Design</u>. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- ➤ <u>CD2-9 Landscape Design</u>. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- ➤ <u>CD2-10 Surface Parking Areas</u>. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- ➤ <u>CD2-11 Entry Statements</u>. 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.
- ➤ <u>CD2-12 Site and Building Signage</u>. 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.
- ➤ <u>CD2-13 Entitlement Process</u>. 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.
- <u>Goal CD3</u>: 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.
- ➤ <u>CD3-1 Design</u>. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- ➤ <u>CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas.</u> We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- ➤ <u>CD3-3 Building Entrances</u>. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
- ➤ <u>CD3-5 Paving</u>. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- ➤ <u>CD3-6 Landscaping</u>. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting the following conditions:

- The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;

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

• The Project site can be adequately served by all required utilities and public services.

CONDITIONS OF APPROVAL: See attached department reports

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant	Industrial	IG (General Industrial)	N/A
North	Railroad	Rail	RC (Rail Corridor)	N/A
South	Parking Lot	Industrial	IG (General Industrial)	N/A
East	Airport	Industrial	IG (General Industrial)	N/A
West	Residential	Industrial	IG (General Industrial)	N/A

General Site & Building Statistics

Item	Proposed	Min./Max. Standard	Meets Y/N
Project Area:	2.6	N/A	Υ
Building Area:	62,000 SF	N/A	Y
Floor Area Ratio:	.549	.55 (Max.)	Υ
Building Height:	42 FT	55 FT (Max.)	Υ

Off-Street Parking:

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
Warehouse	54,000	1 per 1,000 for first 20,000 GFA and 0.5 per 1,000 for building GFA greater than 20,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA (Gross Floor Area).	40	40
Office	8,000	1:250 Only 2,000 sq. ft. of office are required to be parked at 1:250	8	8
Dock Doors (8)	0	1-Trailer Space: 4 Doors	2	2
TOTAL	62,000		48	48

Exhibit A—PROJECT LOCATION MAP

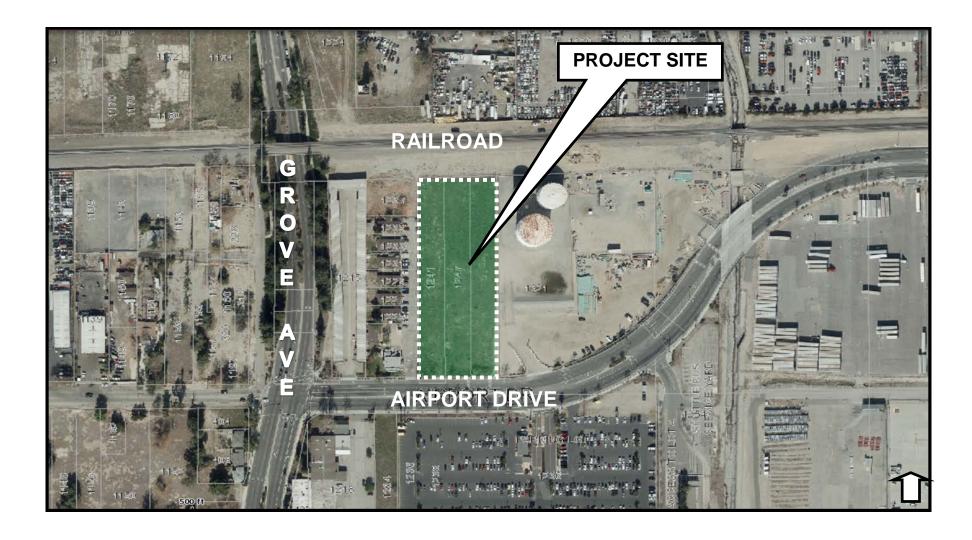


Exhibit B—SITE PLAN

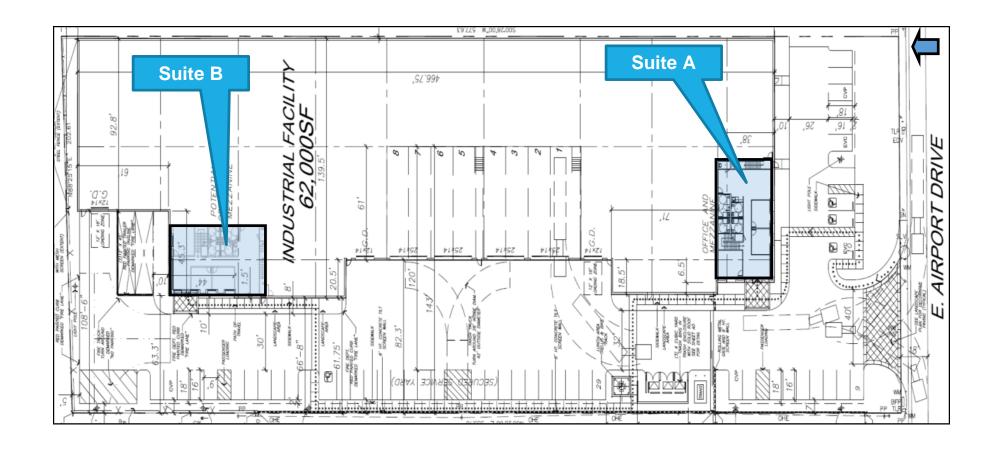


Exhibit C—LANDSCAPE PLAN

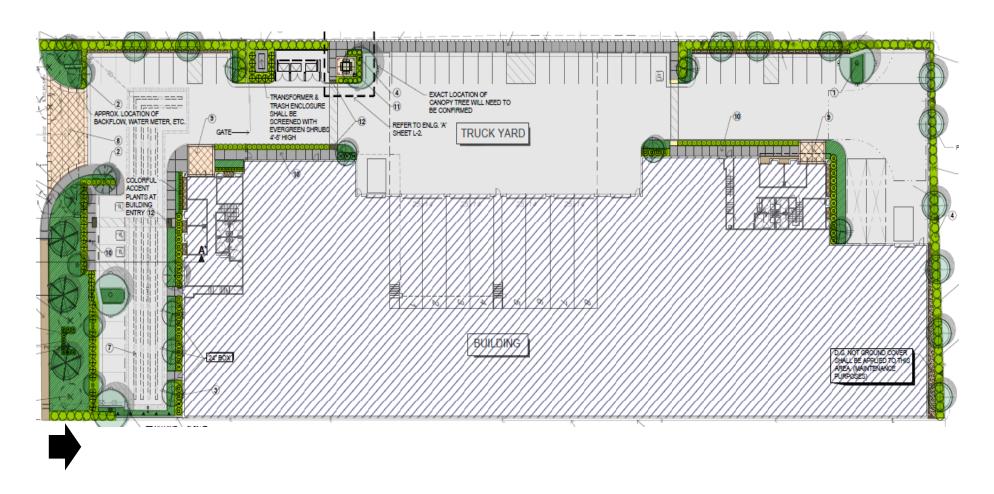


Exhibit D—BUILDING ELEVATIONS



SOUTH ELEVATION

NORTH ELEVATION

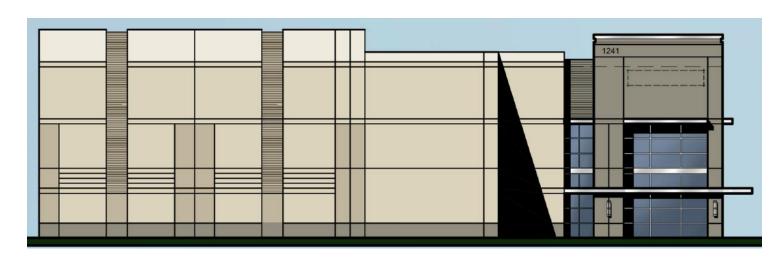
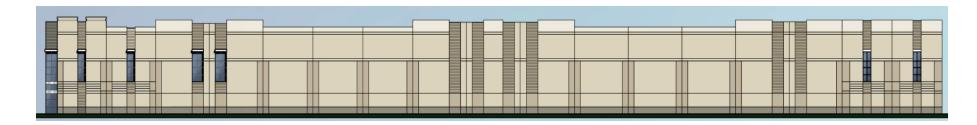


Exhibit E—BUILDING ELEVATIONS



WEST ELEVATION



EAST ELEVATION

Exhibit F—SITE PHOTOS



VIEW OF PROJECT SITE LOOKING NORTH FROM AIRPORT DRIVE

VIEW OF PROJECT SITE LOOKING NORTHEAST







VIEW LOOKING SOUTH FROM AIRPORT DRIVE

VIEW OF EXISTING RESIDENTIAL DEVELOPMENTS TO THE WEST OF PROJECT SITE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-023, A DEVELOPMENT PLAN TO CONSTRUCT A 62,000 SQUARE FOOT INDUSTRIAL BUILDING ON APPROXIMATELY 2.6 ACRES OF LAND, LOCATED AT 1260 EAST AIRPORT DRIVE WTIHIN THE IG (GENERAL INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0113-211-05, 0113-211-06, 0113-211-07.

WHEREAS, SAFETY INVESTMENT COMPANY ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-023, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.6 acres of land generally located along the northeast corner of Grove Avenue and Airport Drive, at 1260 E. Airport Drive within the General Industrial (IG) zone, and is presently vacant land; and

WHEREAS, the property to the north of the Project site is within the RC (Rail Corridor) zoning district, and is developed with Union Pacific railroad. The property to the east is within the IG (General Industrial) zoning district, and is developed with airport fuel tanks. The property to the south is within the IG (General Industrial) zoning district, and is developed with an airport automobile parking lot. The property to the west is within the IG (General Industrial) zoning district, and is developed with multi-family residential homes; and

WHEREAS, the Ontario Development Code requires that all industrial developments exceeding a floor area ratio (FAR) of 0.45, up to a maximum FAR of 0.55, requires review and approval by the Planning Commission. The Applicant, Safety Investments Company, is requesting approval of a 62,000 square feet industrial building at a maximum floor area ratio (FAR) of 0.55 and therefore Planning Commission review and approval for the project is required; and

WHEREAS, the proposed 62,000 square foot industrial building will be oriented north to south, with the front facing south and east. The building will provide an 84-foot setback along Airport Drive, 63-feet along the west property line (interior side), 10-feet along the north property line, and 0-setback along the east property line (interior side), meeting the minimum setback requirements of the IG zoning district; and

WHEREAS, the building has been designed with two office suites. One office suite (Suite A) will be located at the buildings southwest corner and the second office suite (Suite B) is located at the northwest corner of the building. Each suite will include an office area at the first floor, a mezzanine above, and warehouse space. Suite "A", located on the southwest corner of the building, faces south towards Airport Drive, with the entry on

the west. Suite "B", located on the northwest corner of the building, will have its entry on the west and oriented west onto the parking lot; and

WHEREAS, the project complies with the Ontario Development Code's minimum off-street parking requirements for industrial development. The proposed 62,000 sq. ft. industrial building is required to provide a total of 48 parking spaces and two trailer parking spaces. The project will provide 48 parking spaces and two trailer parking spaces; therefore, no parking issues are anticipated; and

WHEREAS, the project is proposing a tilt-up Contemporary Architecture style. The project is proposing a development which exemplifies the high-quality architecture promoted by the Ontario Development Code and the Ontario Plan. The building will incorporate architectural tower elements along the southwest and northwest portions of the building, which will help to break up the building mass. Special attention has been given to the use of colors, massing, building forms, materials and architectural details; and

WHEREAS, the IG land use designation requires the project to provide a minimum 10% landscape coverage. The proposed project provides a 12.4% landscape coverage, therefore, exceeding the minimum landscape requirement. Landscaping will be provided in the form of a 30-foot landscape setback along Airport Drive, a minimum of 7-feet of landscaping along the project's west (interior side) property line, and 10-feet of landscaping along the project's north (rear) property line. In addition, extensive landscaping in the form of ground cover, shrubs and trees will also be provided throughout the interior of the development. The landscape pallet incorporates a combination of 24", 36" and 48" box sized accent and shade trees that includes London Plane, Chinese Elm, Western Redbud, Tristaniopsis "Laurina" Kannoka, Black Cottonwood and Fern Pine; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-013, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of

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

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

SECTION 3: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As

the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

<u>SECTION 4</u>: **Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

- 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 62,000 square foot industrial building on 2.6 acres, is located within the Industrial land use district of the Policy Plan Land Use Map, and the IG (General Industrial) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed development is consistent with the goals, policies, plans. and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to the establishment of "[a] dynamic, progressive city containing distinct neighborhoods and 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
- (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 proposed 62,000 square foot industrial building on 2.6 acres, has been designed consistent with the requirements of the City of Ontario Development Code and the IG (General Industrial) zoning district, 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, fences, Floor Area Ratio, and walls and obstructions. The project is proposing an FAR of 0.549, which is comparable to many other similar industrial projects that have been approved and reviewed by the

Development Advisory Board and Planning Commission. In addition, the proposed FAR is less than the 0.55, maximum FAR allowed by the Ontario Development Code. In addition, all the City departments such as traffic, police, engineering, utilities, and building and safety have reviewed the proposed development and they are in support of the project, subject to the attached conditions of approval; and

- (3) The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project. The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan; and
- (4) The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development. The proposed 62,000 square foot industrial building on 2.6 acres, 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 IG (General Industrial) zoning district. As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

<u>SECTION 5</u>: **Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 6</u>: *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.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

- - - - - - - - - - - - -

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar
Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom Planning Director Secretary to the Planning Commission

Planning Commission Resolution File No. PDEV18-023 April 23, 2019 Page 8	
STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro T City of Ontario, DO HEREBY CERTIFY the passed and adopted by the Planning Comm meeting held on April 23, 2019, by the follow	nission of the City of Ontario at their regula
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen Secretary Pro Tempore

ATTACHMENT A:

File No. PDEV18-023 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date:

April 23, 2019

File No:

PDEV18-023

Related Files:

n/a

Project Description: A Development Plan (File No. PDEV18-023) to construct a 62,000 square foot industrial building on approximately 2.6 acres of land located at 1260 East Airport Drive, within the IG (General Industrial) zoning district. (APNs: 0113-211-05, 0113-211-06, 0113-211-07); **submitted by Safety Investment Company.**

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 <u>General Requirements</u>. 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** <u>Walls and Fences</u>. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

- (a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).
- **(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.
- (c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.
- (d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.
- **(e)** Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).
- **(f)** Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Outdoor Loading and Storage Areas.

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

- **(b)** Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.
- (c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.
- (d) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:
- (i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or
- (ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.
- (e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
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.
- (c) Applicant shall work with staff during the plan check process to add up and down lighting at key landscape areas to enhance the project during the evening hours. During plan check, on your landscape plan please call out the various areas that you propose.

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 <u>Security Standards</u>. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).
- **2.10** 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).
- **2.11** 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** Signs. 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 noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).
- 2.14 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.15 Additional Fees.

- (a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.16 Additional Requirements.

- (a) All proposed glazing areas on the exterior of the building shall be inset a few inches so that glazing and walls are not flush.
- **(b)** During the plan check process the applicant shall submit color cut-sheets to the planning department for all proposed exterior lighting fixtures and lighting standards. Applicant shall work with staff to select decorative fixtures that go with the proposed project.
- (c) The applicant shall work with staff during the plan check process to finalize the design of the office exterior plaza areas, as well as the the patio area.
- (d) Prior to a final of the project, the applicant shall submit two (2) sets of reduced (11" x 17") plan check approved plans by Building and Safety and Planning.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DEVELOPMENT PLAN OTHER		EL MAP TR	ACT MAP POSES
PF	ROJECT FIL	E NO. <u>PDEV18-023</u>	
RELATED	FILE NO(S)		_
⊠ or	IGINAL [REVISED:/_/_	
CITY PROJECT ENGINEER &		Miguel Sotomayor (909 Luis Batres (909) 395-2	
DAB MEETING DATE:		April 15, 2019	
PROJECT NAME / DESCRIPTION:		PDEV18-023, A Develor construct one industriatotaling 62,000 square gross acres of land with General Industrial (IG) district. APNs: 0113-21211-06, 0113-211-07	al building feet on 2.65 hin the zoning
LOCATION:		1241, 1249, and 1255 E. Drive	Airport
APPLICANT:		Safety Investment Com	pany
REVIEWED BY:		Bryan Lirley, F.E. Principal Engineer	3/29/19 Date
APPROVED BY:		Raymond Lee, P.E. Assistant City Engineer	4/1/19 Date

Last Revised: 3/18/2019

Project File No. PDEV18-023 Project Engineer: Miguel Sotomayor Date: March 4, 2019



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	PRIC	OR TO FINAL MAP OR PARTIEL MAP APPROVAL APPLICANT SMALL Check Wh	en
	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 ofand	
	1.02	Dedicate to the City of Ontario, the following easement(s):	
	1.03	Restrict vehicular access to the site as follows:	
	1.04	Vacate the following street(s) and/or easement(s):	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	
	1.06	Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	
	1.07	For all development occurring south of the Pornona 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 .	
	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
	1.09	Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	
	1.10	Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as	

Project File No. PDEV18-023 Project Engineer: Miguel Sotomayor Date: March 4, 2019



		specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.	
	1.11	Provide a preliminary title report current to within 30 days.	
	1.12	File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.	
	1.13	New Model Colony (NMC) Developments:	
		☐ 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.	
		 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents). 	
		3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).	
	1.14	Other conditions:	
2.	DDIC	OR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
		TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
	- Carrie		
		ENERAL nits includes Grading, Building, Demolition and Encroachment)	
	(Pern	nits includes Grading, Building, Demolition and Encroachment) Record Parcel Map/Tract Map No. pursuant to the Subdivision Map Act and in accordance.	
	(Pern	nits includes Grading, Building, Demolition and Encroachment) Record Parcel Map/Tract Map No pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.	
	(Pern 2.01 2.02	Record Parcel Map/Tract Map No pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel will be a recognized parcel in the City of Ontario after the	
	2.01 2.02 2.03	Record Parcel Map/Tract Map No pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel will be a recognized parcel in the City of Ontario after the recordation of the proposed lot line adjustment. 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	
	2.01 2.02 2.03 2.04	Record Parcel Map/Tract Map No pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel will be a recognized parcel in the City of Ontario after the recordation of the proposed lot line adjustment. Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of	
	2.01 2.02 2.03 2.04	Record Parcel Map/Tract Map No pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code. Submit a duplicate photo mylar of the recorded map to the City Engineer's office. Note that the subject parcel will be a recognized parcel in the City of Ontario after the recordation of the proposed lot line adjustment. 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	

Project File No. PDEV18-023 Project Engineer: Miguel Sotomayor Date: March 4, 2019



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.

\boxtimes	2.08	Submit a soils/geology report.	
\boxtimes	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: submit a non-interference letter from the easement holders listed on the title report (Southern California Edison and others for pipelines).	
	2.10	Dedicate to the City of Ontario the right-of-way described below:	
		Property line corner 'cut-back' required at the intersection of and	
	2.11	Dedicate to the City of Ontario the following easement(s):	
	2.12	New Model Colony (NMC) Developments: 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.	
		2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.	
		☐ 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.	
\boxtimes	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.	
X	2.15	Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$61,876, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.	
	2.16	Other conditions:	

 \boxtimes



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

Improvement	Airport Drive	Street 2	Street 3	Street 4
Curb and Gutter	New; ft. from C/L Replace At existing drive approach to be removed locations	ft. from C/L Replace damaged Remove and	New; ft. from C/L Replace damaged Remove and replace	New; from C/L Replace damaged Remove and repla
AC Pavement	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widenadditional feet along frontage, including	Replacement Widen additional feet along frontage, including pavm't transitions	Replacer Widen additional fee along frontage including pave transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach	New Remove existing drive approaches	Remove and replace replace	New Remove and replace replace	New Remove and replace
Sidewalk	New Remove and replace	New Remove and	New Remove and replace	New Remove and replace
ADA Access Ramp	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Parkway	☐ Trees ☐ Landscaping (w/irrigation)	Trees Landscaping (w/irrngation)	Trees Landscaping (w/irrigation)	Trees Landscapi (w/irrigation)
Raised Landscaped Median	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace



Fire Hydrant	New / Upgrade Relocation			
	Main Main	Main	Main	Main
Sewer (see Sec. 2.C)	⊠ Lateral	Lateral	Lateral	Lateral
Water (see Sec. 2.D)	Main Service	Main Service	Main Service	Main Service
Recycled Water (see Sec. 2.E)	Main Service	Main Service	Main Service	Main Service
Traffic Signal System (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Traffic Signing and Striping (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Street Light (see Sec. 2.F)	New / Upgrade	New / Upgrade Relocation	New / Upgrade Relocation	New / Upgrade Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	New Modify existing	Modify existing	New Modify existing	New Modify existing
Storm Drain (see Sec. 2G)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Fiber Optics (see Sec. 2K)	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances
Overhead Utilities	Underground Relocate	Underground Relocate	Underground Relocate	Underground Relocate
Removal of Improvements				
Other Improvements				



		Specific notes for improvements listed in item no. 2.17, above:	
\boxtimes	2.18	Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): Grove and Airport Drive per City Standard 1306.	
	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 any of the same of t	
	2.22	Other conditions:	
	C. SE	WER	
П	2.23		
	LILO	Ainch sewer main is available for connection by this project in [Ref: Sewer plan bar code:)	
\boxtimes	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 1440 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.]
\boxtimes	2.26	Other conditions:	7
		The applicant/developer shall construct a 21-inch sanitary sewer main running south along Grove Avenue from Airport Drive to the existing 21-inch sanitary sewer main.	
		b. The applicant/developer shall install an 8-inch sewer main along Airport Drive from the easterly property line (across the project frontage) to Grove Avenue. The sewer main design shall follow the PDEV18-023 Sewer Design Report dated 3/14/2019 and any deviation from this design shall require the Sewer Design Report to be updated and resubmitted to OMUC for review and approval.	
		c. The required sewer main improvements for this project may be eligible for reimbursement from the City through a Relmbursement Agreement, subject to approval from the City Council.	
		 The applicant/developer shall construct a monitoring manhole per City standard on the onsite sewer system within private property. 	
		e. The applicant/developer shall install a sewer lateral per City Standard No. 2003 connecting to the proposed 8-inch sewer main with a cleanout immediately behind the Public Right-of-Way within private property.	



f. The 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: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:

Michael Birmelin, Environmental Programs Manager Phone: (909) 395-2687; Emall: omucenvironmental@ontarioca.gov

	D. W	ATER	
\boxtimes	2.27	A 12 inch water main is available for connection by this project in Airport Drive. (Ref: Water plan bar code: W13061)	
	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.	
\boxtimes	2.29	Other conditions:	
		 The applicant/developer shall install a back flow prevention device per City Standard No. 4206 behind the existing water meter. 	
		b. The applicant/developer shall abandon the existing 1-inch water meter and service per City Standard back to the corporation stop at the water main. The applicant shall install a new 1-inch water meter and service with a back flow prevention device per City Standard No. 4206 located a minimum of 5-feet from the curb return with a point of connection to the existing 12-inch water main within Airport Drive.	
		c. The applicant/developer shall abandon the existing 2-inch water meter and service that is not proposed to be used, located at the southeast corner of the project site. Abandonment of the service shall be performed per City Standard back to the corporation stop at the water main.	
		d. The applicant/developer shall install a fire service with a back flow prevention device that complies with City Standard No. 4208 with a point of connection to the existing 12- inch water main within Airport Drive.	
	E. RE	CYCLED WATER	
	2.30	Ainch recycled water main is available for connection by this project in (Ref: Recycled Water plan bar code:)	
	2.31	Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.	
	2.32	Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.	
	2.33	Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.	
		Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.	



П	2.34	Other conditions:	
	FT	RAFFIC / 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.	
\boxtimes	2.37	Other conditions:	
		 All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309. 	
		b. Driveway shall be designed in accordance with City Standard Drawing No. 1204.	
	G DI	RAINAGE / HYDROLOGY	
	2.38		
	2.30	Ainch storm drain main is available to accept flows from this project in (Ref: Storm Drain plan bar code:)	
_	2.39	Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.	
Ц	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 predevelopment peak flows, in accordance with the approved hydrology study and improvement plans.	
	2.41	Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.	
	2.42	Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.	
	2.43	Other conditions:	
	H. STO	ORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM S)	
_	2.44	404 Water Quelity CoddSouther (404 D	
	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.	



Z)	2.43	Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: http://www.sbcounty.gov/dpw/land/npdes.asp .	
	2.46	Other conditions:	
	J. S	PECIAL DISTRICTS	
	2.47	File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or Issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to Initiate the CFD application process.	
	2.48	Other conditions:	
	V FI	DED ODTIO	Ш
		BER OPTIC	
П	2.49	Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located, see Fiber Optic Exhibit herein.	
	2.50	Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.	
	L. Sol	id Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
\boxtimes	2.52	Other conditions:	
		a. This site shall comply with the Requirements of State Assembly Bill AB1826, which requires organic waste to be diverted and collected separately from recycling and other refuse wastes.	
		b. A Final SWP shall be submitted for review and approval with the Precise Grading Plan.	



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.	3	PRI	OR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:	
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.	\boxtimes	3.01	result of construction of the subject project. Monuments shall be set in accordance with City	
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3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studie		3.04	Contact the City Survey office for information on reference benchmarks, acceptable methodology and	
	\boxtimes	3.05	Confirm payment of all Development Impact Fees (DIF) to the Building Department.	
	\boxtimes	3.06	and	

SHIPAN,

EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

	Project Number: PDEV18-023
]	he 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	
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:
 - a. Lot Line Adjustment and pay all applicable review and recordation fees



CITY OF ONTARIO MEMORANDUM

TO:

Luis Batres, Senior Planner

Planning Department

FROM:

Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE:

July 6, 2018

SUBJECT:

PDEV18-023 - A Development Plan to construct a 52,700-square foot

industrial building on 2.65 acres of land located at 1241, 1249, and 1255 East Airport Drive, within the General Industrial (IG) zoning district

(APNs: 0113-211-05, 0113-211-06 and 0113-211-07).

The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2016 CBC Type of Construction: Not Listed (V)

B. Type of Roof Materials: Panelized

C. Ground Floor Area(s): 50,700 Sq Ft.

D. Number of Stories: 2

E. Total Square Footage: 50,700 Sq Ft.

F. 2016 CBC Occupancy Classification(s): B, 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, click on "Fire Department" and then on "Standards and Forms."
- ∑ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ≥ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.

3.0 WATER SUPPLY

- □ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- □ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ✓ 4.1 On-site private fire hydrants are required per <u>Standard #D-005</u>, and identified in accordance with <u>Standard #D-002</u>. 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.
- An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☑ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finaled) <u>before</u> 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.
- 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.

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.
- 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 <u>Standard #H-001</u> 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

- 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 LANDSCAPE PLANNING DIVISION

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell, Sr. Landscape Architect

Phone:

303 East "B" Street, Ontario, CA 91764 Reviewer's Name:

Carolyn Bell, Sr Landscape Architect (909) 395-2237

	P. 1	(303) 333-2237
	. File No.: V18-023 Rev 2	Case Planner:
	ot Name and Location:	Luis Batres
Serra	ano Industrial Facility	
1241	, 1249, 1255 E Airport Dr	
Applica	ant/Representative:	
Serra	ano Development, Wil Jacobs	
	N Brand Blvd #2120	
Glend	dale CA 91203	
	A Preliminary Landscape Plan (dated 1/23/19) meets to Development and has been approved with the consider conditions below be met upon submittal of the landscape.	aration that the following
	A Preliminary Landscape Plan (dated) has not been	

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

Corrections noted below are required prior to Preliminary Landscape Plan approval.

Civil/ Site Plans

- Show and dimension all backflow devices (fire DCDA, domestic, irrigation), set back min 4' from all paving. Locate on level grade.
- Locate utilities to not conflict with required tree locations. Move light standard in center of tree island planter in south parking lot min. 15' from tree location. Consider adjacent planter area.
- Where parking spaces are adjacent to planters, show and dimension 12" wide curbs, or 6" curbs with 12" wide pavers or DG paving with edging. Monolithic pour, not an added 6" pad. Revise all out #18.

Landscape Plans -

- Description for tree inventory health and form B & C is missing. 3 Platanus hispanica street trees proposed to be removed, in good health. Note 36" box tree replacements for healthy street tree removed.
- 5. Show backflows with setbacks from paving with landscape screening: 36" high strappy leaf shrubs for backflows and 4-5' high evergreen shrubs for transformers and trash enclosure.
- 6. Show utilities on landscape plans. Coordinate so utilities are clear of required tree locations.
- 7. Street trees for this project are: Platanus x hispanica, 30' on center not 65' as shown.
- 8. Show perimeter trees 15' from light std and spaced 25-30' oc,
- Incorrect line of sight. Refer to std detail.
- 10. Show or call out 8' dia. of mulch only at new trees. Irrigation dripline outside of root zone.
- 11. Remove Low flow rotors from proposed irrigation.

Item C - 49 of 53

Inspection—Construction (up to 3 inspections per	phase) \$278.00
10tal	\$1.579.00
Inspection—Field – any additional	¢02.00
Landscape construction plans with building permit number	for plan check may be emailed to
landscapeplancheck@ontarioca.gov	• • • • • • • • • • • • • • • • • • • •



CITY OF ONTARIO MEMORANDUM

TO:

Luis Batres, Planning Department

FROM:

Douglas Sorel, Police Department

DATE:

July 10, 2018

SUBJECT:

PDEV18-023 - A DEVELOPMENT PLAN TO CONSTRUCT AN

INDUSTRIAL BUILDING AT 1241, 1249, AND 1255 E. AIRPORT DRIVE

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

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, 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.
 Each number shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint
 on a flat black background, and oriented with the bottom of the numbers towards the
 addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Douglas Sorel at (909) 408-1873 with any questions or concerns regarding these conditions.

CITY OF ONTARIO MEMORANDUM

E	TO: FROM:	DANTING DELAKTMENT, Luis Batres
	DATE:	Beilding bei Antwient, Kevin Shear
	JECT:	June 27, 2018 PDEV18-023
\boxtimes	□ The plan does adequately address the departmental concerns at this time.	
		No comments
	\boxtimes	Report below.

Conditions of Approval

1. The site address for this project will 1260 E Airport Dr $\,$

KS:Im

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Mejia		
Info:		
25-2276		
Planner:		
atres		
7/31/18		
2018-050		
n/a		
Zones:		
erflight Notificatio		
Avigation Easement		
Dedication		
Recorded Overflight Notification		
Real Estate Transaction		
Disclosure		
nes:		
Zone 6		
This proposed Project is: Exempt from the ALUCP Consistent • Consistent with Conditions Inconsistent		
NT) and was ity Plan (ALUCP)		
Avigation Easement		



FILE NOS.: PVAR18-006 and PDEV18-025

SUBJECT: A Minor Variance (File No. PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66, in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 of the Esperanza Specific Plan (TM17931) (APN(s): (APNs: 0218-252-16); **submitted by Christopher Development Group, Inc.**

PROPERTY OWNER: Christopher Development Group, Inc.

RECOMMENDED ACTION: That the Planning Commission consider and approve File Nos. PVAR18-006 and PDEV18-025, pursuant to the facts and reasons contained in the staff report and attached resolution(s), and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 16 acres of mass-graded land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within

Planning Area 10 (RD-3, Conventional SFD) of the Esperanza Specific Plan, and is depicted in Figure 1: Project Location, below. The property to the north of the project site is currently vacant, and is located within PA-2 (SFD Cottages) of the Esperanza Specific Plan. The property to the south is currently mass-graded, and is located within PA-9 (SFD 50' x 80') of the Esperanza Specific Plan. property to the east is currently vacant, and is located within PA-11 (School) of the Esperanza Specific Plan. The property to the west of the project site is located within the SP (AG) zoning district and contains a dairy farm.



Figure 1: Project Location

Case Planner:	Alexis Vaughn
Planning Director Approval:	
Submittal Date:	06/27/2018

Hearing Body	Date	Decision	Action
DAB	04/15/2019	Approve	Recommend
PC	04/23/2019		Final
CC			

PROJECT ANALYSIS:

[1] <u>Background</u> — The Esperanza Specific Plan (223 acres) and the Environmental Impact Report (EIR) were approved by the City Council on November 7, 2006. The Specific Plan established the land use designations, development standards, and design guidelines, which includes the potential development of 1,410 single-family units and a 13.10-acre school.

On March 27, 2007, the Planning Commission approved Tentative Tract Map 17931 (PMTT06-007), which subdivided 19.92 acres of land into 100 residential lots (PA-10 – RD-3; Conventional SFD) and three lettered lots (pocket park and open space landscaped areas). The lots range in size from 3,580 to 10,372 square feet, with an average lot size of 7,700 square feet.

On June 27, 2018, Christopher Development Group, Inc. submitted a Development Plan application for the construction of the 100 single-family units.

On April 15, 2019, the Development Advisory Board reviewed the project and recommended approval to the Planning Commission.

- [2] <u>Site Design/Building Layout</u> The project proposes the development of 100 single-family homes within Planning Area 10 of the Esperanza Specific Plan (see **Exhibit A: Site Plan**). The homes are all oriented toward the street (architectural forward). Three, two-story floor plans are proposed, each with three elevations per plan (see **Figure 2: Typical Plotting**, below). The three plans include the following:
 - Plan 1: 2,507 square feet, 4 bedrooms, bonus room, and 3 baths
 - Plan 2: 2,682 square feet, 4 bedrooms, bonus room, and 3 baths
 - Plan 3: 2,959 square feet, 4 bedrooms, bonus room, and 3 baths

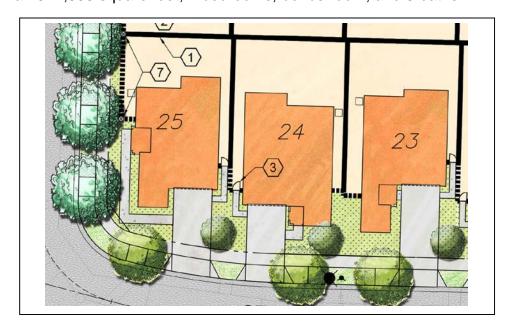


Figure 2: Typical Plotting

All plans incorporate various design features, such as single- and second-story massing, varied entries, porches, second floor laundry facilities, and a great room. Additionally, all homes will have a two-car garage. To minimize visual impacts of garages, varied massing, second-story projections over garages, and varied rooflines are proposed. In addition, the garage setbacks vary, with Plan 1 offering a 25- to 30-foot garage setback, and Plans 2 and 3 an 18- to 20-foot garage setback.

- [3] <u>Site Access/Circulation</u> On December 18, 2006, the Planning Commission approved Tentative Tract 18380 ("A" Map) to facilitate the construction of the backbone streets and infrastructure within the southeast portion of the Esperanza Specific Plan, which included the primary access points from Mill Creek Avenue and Eucalyptus Avenue. The developer will construct the interior neighborhood streets to serve the project.
- [4] Parking The proposed single-family conventional homes will provide an enclosed two-car garage, a standard two-car driveway, and 143 on-street parking spaces. The project is required to provide a total of 200 parking spaces that are within an enclosed garage. The project is providing a total of 543 parking spaces (garage, driveway and onstreet parking). Based on the Specific Plan's minimum parking requirements for single-family conventional products, the development will be over parked by 343 parking spaces and will provide 5.43 spaces per unit, which should be more than adequate to accommodate both resident and visitor parking needs.
- [5] <u>Architecture</u> The project proposes to utilize three architectural styles that include Cottage, Spanish, and American Traditional. The styles complement one another through the overall scale, massing, proportions, and details. The proposed home designs are consistent with the design guidelines of the Specific Plan.

The three architectural styles proposed will include the following features (See **Exhibit C: Exterior Elevations** for all plans proposed):

<u>Spanish</u>: Varying gable and hipped rooflines with "S" tile roof, stucco exterior, arched entry openings, recessed arched windows, shutters, a wrought-iron Juliette balcony, decorative clay pipes below gables and a scalloped second-story cantilevered element.

<u>Cottage</u>: Varying gable, hipped, and shed roofs with flat concrete roof tiles, cantilevered pop-outs and corbels, shutters, pot shelves, stone veneer, and stucco trim.

<u>American Traditional</u>: Gable roofs with flat concrete roof tiles, gable-end detailing, horizontal siding, stucco exterior, covered porch with square columns, brick veneer, and shutters.

[6] <u>Landscaping/Park and Paseos</u> — The Development Plan features sidewalks separated by landscaped parkways, which provide visual interest and promotes pedestrian mobility. All homes will be provided with front lawn landscaping (lawn, shrubs, and trees) and an automatic irrigation system to be installed by the developer. The homeowner will be responsible for front, side, and rear yard landscaping maintenance, and for side and rear landscape improvements. The homeowner's association will be responsible for the maintenance of landscaping and irrigation within all common areas and parkways of all local streets (**See Exhibit D – Landscape Plan – Typicals**).

Decorative 6-foot high split-face walls with pilasters are proposed for all public-facing front, side, and rear walls, and the interior property line privacy fencing will be a 6-foot high colored masonry block material to match. The homes adjacent to the pocket park area may include a low wall or hedge to provide a physical separation from the park.

The Development Plan proposes to construct a 1.25-acre pocket park for the neighborhood. The pocket park will contain passive open space and leisure areas, picnic and barbeque areas, as-well-as a small playground. The residents will also have access to the approximate 7-acre future park planned to the northeast of the development (See Exhibit E – Conceptual Park Plan and Exhibit F – Surrounding Future Parks).

[7] <u>Variance</u> – A Minor Variance has been requested to reduce the front setback from 10 feet to 7.5 feet for lots 65 and 66, in order to accommodate City-imposed street radius standards at the cul-de-sac (Mendocino Avenue) fronting each lot (**See Exhibit B—Affected Lots**). While the applicant has requested up to a 2.5-foot reduction, it is likely that only an approximate 1.5-foot reduction will be necessary; however, the request for the full 2.5-foot reduction will allow for flexibility. The site had originally been designed to have a temporary cul-de-sac that would punch through to the future neighboring tract to the north (TT 20160). However, both developers have since expressed interest in making the cul-de-sac permanent. As such, the radius was revised to meet the City's standards for a permanent cul-de-sac, which in turn reduced the front setbacks for the adjacent lots 65 and 66.

The Ontario Development Code allows for a request of up to a 25 percent reduction in setbacks for a Minor Variance. A 2.5-foot reduction qualifies the applicant for a Minor Variance request. The Development Code also requires that the Development Advisory Board review the Minor Variance request and make recommendation to the Planning Commission.

Approval of the Minor Variance request will allow the applicant to address additional requirements from the City that were not present at the time of the Tentative Tract Map's (TM 17931) original review and approval. Since the map's original approval, it had been determined by the applicant and the neighboring developer to the north (TT 20160) that establishing a permanent cul-de-sac at this location instead of the originally-planned punch-through would enable each developer to build a safer and more cohesive community. Approval of the requested Minor Variance (File No. PVAR18-006), in

conjunction with approval of the related Development Plan (PDEV18-025) to construct 100 single-family homes, will allow for the applicant to meet the required radius as prescribed by the City of Ontario for a permanent cul-de-sac at the terminus of Mendocino Avenue. The 2.5-foot reduction in the front setback for these lots, from 10 feet to 7.5 feet, will also enable the applicant to continue to provide public right-of-way improvements, including sidewalks and parkways.

The Minor Variance request is consistent with The Ontario Plan (TOP) Policy Plan Goal LU3, which promotes flexibility in order to respond to special conditions and circumstances in order to achieve the Vision of providing a diverse selection of buildings and uses throughout the region. In acting on a Minor Variance request, the Planning Commission must consider and clearly establish certain findings of fact, which are prescribed by State law and the City's Development Code. The facts and findings in support of the Minor Variance have been outlined in the attached Minor Variance Resolution.

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.

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

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

[4] Policy Plan (General Plan)

Land Use Element:

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

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
- ➤ <u>H2-4 New Model Colony</u>. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
- ➤ <u>H2-5 Housing Design</u>. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-6 Diversity of Housing</u>. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
- ➤ <u>S1-1 Implementation of Regulations and Standards</u>. 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:

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

April 23, 2019

- ➤ <u>CD1-1 City Identity</u>. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
- ➤ <u>CD1-2 Growth Areas</u>. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- > <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:
- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-2 Neighborhood Design</u>. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-8 Safe Design</u>. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways,

corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- ➤ <u>CD2-9 Landscape Design</u>. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- ➤ <u>CD2-13 Entitlement Process</u>. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

HOUSING ELEMENT COMPLIANCE:

The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (100) and density (5.2 DU/AC) specified within the Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan is required to provide 1,410 dwelling units with an overall density of 5-21 DU/AC.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW:

The Minor Variance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (i) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
 - (ii) Issuance of minor encroachment permits;
 - (iii) Reversion to acreage in accordance with the Subdivision Map Act.

The environmental impacts of the Development Plan were previously reviewed in conjunction with File No. PSP05-002, the Esperanza Specific Plan, for which Environmental Impact Report (SCH# 2002061047) was adopted by the City Council on February 6, 2007. This Application introduces no new significant environmental impacts.

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

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant (mass-graded)	Low-Density Residential (2.1-5 du/ac)	Esperanza Specific Plan	PA-10 (RD-3, Conventional SFD)
North	Vacant	Low-Density Residential (2.1-5 du/ac)	Esperanza Specific Plan	PA-2 (RD-4, SFD Cottages)
South	Vacant (mass-graded)	Low-Density Residential (2.1-5 du/ac)	Esperanza Specific Plan	PA-9 (RD-1, SFD 50' x 80')
East	Vacant	Public School	Esperanza Specific Plan	PA-11 (School)
West	Dairy Farm	Low-Density Residential (2.1-5 du/ac)	SP(AG)	N/A

General Site & Building Statistics

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Maximum coverage (in %):	50%	18 – 47%	Υ
Minimum lot size (in SF):	3,400 SF	3,475 – 9,524 SF	Υ
Front yard setback (in FT):	10'	10'	Υ
Side yard setback (in FT):	5'	5'	Υ
Rear yard setback (in FT):	10'	10'	Υ
Maximum height (in FT):	35'	32'	Υ
Parking – resident:	200 spaces	400 spaces	Υ
Parking – guest:	n/a	143 spaces	Υ

Exhibit A—SITE PLAN



Page 11

Exhibit B—AFFECTED LOTS

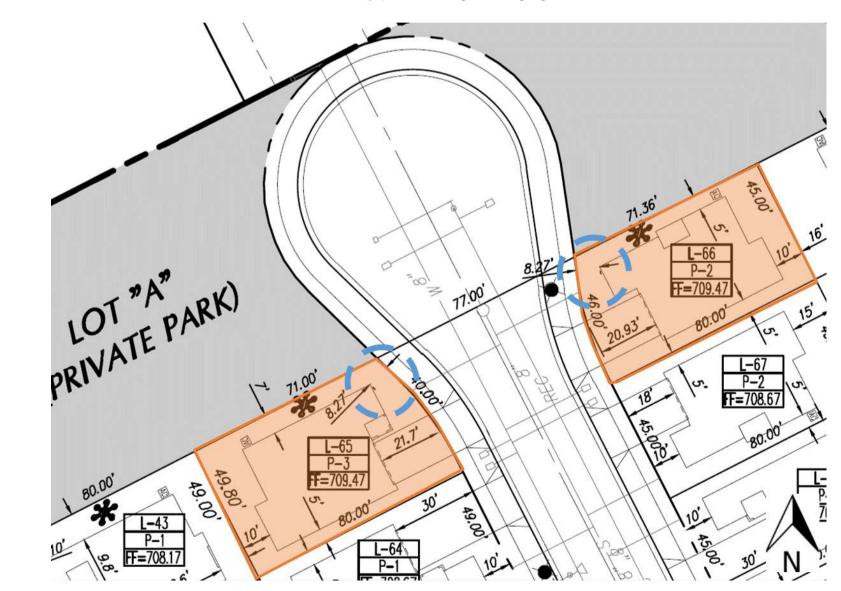


Exhibit C—EXTERIOR ELEVATIONS



SPANISH



COTTAGE



AMERICAN TRADITIONAL

Plan 1

April 23, 2019

Exhibit C—EXTERIOR ELEVATIONS CONTINUED



SPANISH



COTTAGE



AMERICAN TRADITIONAL

Plan 2

Exhibit C—EXTERIOR ELEVATIONS CONTINUED



SPANISH



COTTAGE



AMERICAN TRADITIONAL

Plan 3

Exhibit C—EXTERIOR ELEVATIONS CONTINUED



Plan 2 Spanish Details

Exhibit D—LANDSCAPE PLAN – TYPICALS

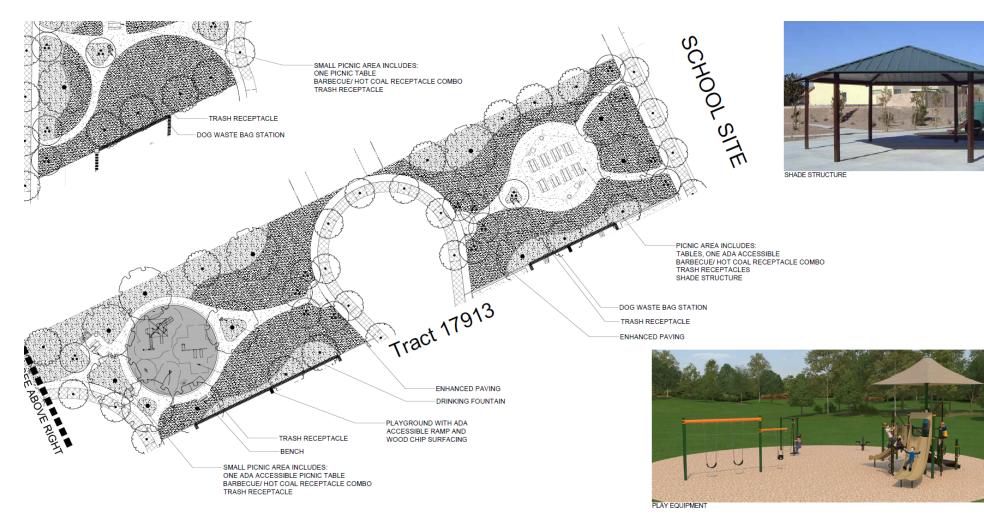


Exhibit E - CONCEPTUAL PARK PLAN



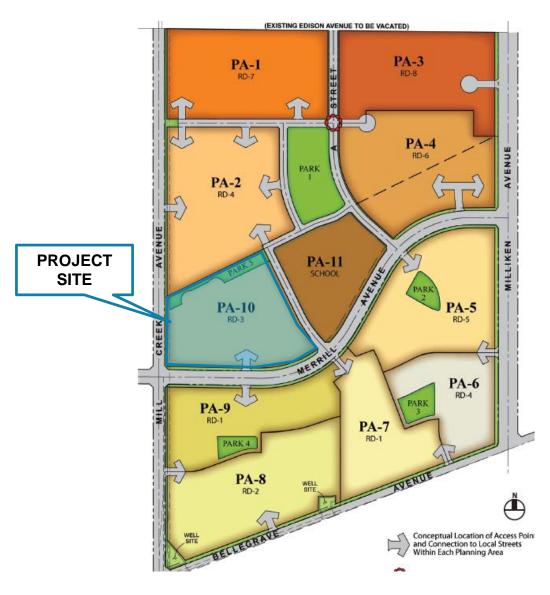
Site Furniture and Westerly Portion of the Park

Exhibit E - CONCEPTUAL PARK PLAN CONTINUED



Play Structures and Easterly Portion of the Park

Exhibit F - SURROUNDING FUTURE PARKS



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PVAR18-006, A MINOR VARIANCE TO DEVIATE FROM THE MINIMUM BUILDING SETBACK FOR LIVING SPACE, FROM 10 FEET TO 7.5 FEET, ON LOTS 65 AND 66, SUBMITTED IN CONJUNCTION WITH A DEVELOPMENT PLAN TO CONSTRUCT 100 SINGLE-FAMILY DWELLINGS ON 16 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE, WITHIN PLANNING AREA 10 (RD-3; CONVENTIONAL SFD) OF THE ESPERANZA SPECIFIC PLAN (TM17931), AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-252-16.

WHEREAS, CHRISTOPHER DEVELOPMENT GROUP, INC. ("Applicant") has filed an Application for the approval of a Minor Variance, File No. PVAR18-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 16 acres of land generally located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 (RD-3; Conventional SFD) of the Esperanza Specific Plan, and is presently mass-graded; and

WHEREAS, the property to the north of the project site is currently vacant, and is located within PA-2 (SFD Cottages) of the Esperanza Specific Plan. The property to the south is currently mass-graded, and is located within PA-9 (SFD 50' x 80') of the Esperanza Specific Plan. The property to the east is currently vacant, and is located within PA-11 (School) of the Esperanza Specific Plan. The property to the west of the project site is located within the SP(AG) zoning district and contains a dairy farm; and

WHEREAS, the Minor Variance proposes to reduce the minimum front building setback for living space from 10 feet to 7.5 feet on lots 65 and 66. The Minor Variance was requested in order to accommodate City-imposed radius standards at the Mendocino Avenue cul-de-sac fronting each lot; and

WHEREAS, the Ontario Development Code allows for a request of up to a 25 percent reduction in setbacks for a Minor Variance; and

WHEREAS, the Minor Variance has been filed in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 single-family dwellings on 16 acres of land; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-014, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered

the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

- (1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- (2) The Variance is categorically exempt from environmental review pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
- (i) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
 - (ii) Issuance of minor encroachment permits;
 - (iii) Reversion to acreage in accordance with the Subdivision Map Act.; and
- (3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and
- (4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

- Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.
- <u>SECTION 3</u>: **Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:
- regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code. Approval of the requested Minor Variance (File No. PVAR18-006), in conjunction with approval of the related Development Plan (PDEV18-025) to construct 100 single-family homes, will allow for the applicant to meet the required radius as prescribed by the City of Ontario for a permanent cul-de-sac at the terminus of Mendocino Avenue. The 2.5-foot reduction in the front setback for these lots, from 10 feet to 7.5 feet, will also enable the applicant to continue to provide public right-of-way improvements, including sidewalks and parkways and therefore strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code and the Esperanza Specific Plan.
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district. There are exceptional or extraordinary circumstances and conditions applicable to Lots 65 and 66. The Approval of the Minor Variance request will allow the applicant to address additional requirements from the City that were not present at the time of the Tentative Tract Map's (TM 17931) original review and approval. Since the map's original approval, it had been determined by the applicant and the neighboring developer to the north (TT 20160) that establishing a permanent cul-de-sac at this location instead of the originally-planned punch-through would enable each developer to build a safer and more cohesive community.
- (3) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district. The requested relief from the front setback for lots 65 and 66 will allow for greater design flexibility for the related Development Plan (File No. PDEV18-025), and will serve to equalize development rights between the applicant and owners of property in the same zoning district, located within the area of the project site.

- (4) The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity. A thorough review and analysis of the proposed minor Variance and its potential to adversely impact properties surrounding the subject site was completed by staff. As a result of this review, certain design considerations will be incorporated into the project as conditions of approval, to mitigate identified impacts to an acceptable level, including the use of upgraded materials and the inclusion of certain architectural design elements on building exteriors for the side elevation of the two affected lots.
- (5) The proposed Variance 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 the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code. The proposed Project is located with the Low Density land use district of the Policy Plan Land Use Map, and the Planning Area 10 (RD-3; Conventional SFD) 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.
- <u>SECTION 4</u>: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.
- <u>SECTION 5</u>: *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.
- <u>SECTION 6</u>: *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.
- <u>SECTION 7</u>: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

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The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution File No. PVAR18-006 April 23, 2019 Page 7	
STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro Ten City of Ontario, DO HEREBY CERTIFY that passed and adopted by the Planning Commis- meeting held on April 23, 2019, by the following	sion of the City of Ontario at their regula
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen
	Secretary Pro Tempore

ATTACHMENT A:

File No. PVAR18-006 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PVAR18-006

Related Files: PDEV18-025

Project Description: A Minor Variance (PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66 (TM17931), in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 of the Esperanza Specific Plan. (APNs: 0218-252-16); **submitted by Christopher Development Group, Inc.**

Prepared By: Alexis Vaughn, Assistant Planner

<u>Phone</u>: 909.395.2416 (direct) <u>Email</u>: avaughn@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 <u>Time Limits</u>.

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

2.2 <u>Environmental Review</u>.

- (a) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
- (i) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

File No.: PVAR18-006

Page 2 of 2

- (ii) Issuance of minor encroachment permits;
- (iii) Reversion to acreage in accordance with the Subdivision Map Act.
- **(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.
- **2.3** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.4 Additional Requirements.

- (a) A Variance (File No. PVAR18-006) has been requested to allow deviation from the minimum front setbacks of lots 65 and 66 of Planning Area 10 of the Esperanza Specific Plan, in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 single-family homes on 16 acres of land.
- (i) The Variance (File No. PVAR18-006) approval shall heretofore be inseparably tied to the aforementioned Development Plan (File No. PDEV18-025) approval.
- **(b)** All applicable conditions of approval of the related Development Agreement (File Nos. PDA06-002 and PDA14-003), Tract Map (File No. PMTT06-007), and Development Plan (File No. PDEV18-025) shall apply to this project.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-025, A DEVELOPMENT PLAN TO CONSTRUCT 100 SINGLE-FAMILY DWELLINGS, IN CONJUNCTION WITH A MINOR VARIANCE (FILE NO. PVAR18-006) TO DEVIATE FROM THE MINIMUM BUILDING SETBACK FOR LIVING SPACE, FROM 10 FEET TO 7.5 FEET, ON 16 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE, WITHIN PLANNING AREA 10 (RD-3; CONVENTIONAL SFD) OF THE ESPERANZA SPECIFIC PLAN (TM17931), AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-252-16.

WHEREAS, CHRISTOPHER DEVELOPMENT GROUP, INC. ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-025, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 16 acres of land generally located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 (RD-3; Conventional SFD) of the Esperanza Specific Plan, and is presently mass-graded; and

WHEREAS, the property to the north of the project site is currently vacant, and is located within PA-2 (SFD Cottages) of the Esperanza Specific Plan. The property to the south is currently mass-graded, and is located within PA-9 (SFD 50' x 80') of the Esperanza Specific Plan. The property to the east is currently vacant, and is located within PA-11 (School) of the Esperanza Specific Plan. The property to the west of the project site is located within the SP(AG) zoning district and contains a dairy farm; and

WHEREAS, the Development Plan proposes to construct 100 conventional single-family homes. The lots range in size from 3,475 – 9,524 square feet, with an average lot size of 6499.5 square feet, which meets the minimum lot size of 3,400 square feet required by the Planning Area 10 (RD-3; Conventional SFD) development standards of the Esperanza Specific Plan; and

WHEREAS, the Development Plan was submitted in conjunction with a Minor Variance (PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66; and

WHEREAS, the Development Plan proposes three two-story floor plans, each with three elevations per plan. The floor plans range in size from 2,507 square feet to 2,959 square feet; and

WHEREAS, the architectural styles of the proposed single-family homes include Spanish, Cottage, and American Traditional; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-002, the Esperanza Specific Plan, for which Environmental Impact Report (SCH# 2002061047) was adopted by the City Council on February 6, 2007, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-015, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-002, the Esperanza Specific Plan, for which Environmental Impact Report (SCH# 2002061047) was adopted by the City Council on February 6, 2007.
- (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 Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the

preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or
- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (100) and density (5.2 DU/AC) specified within the Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan is required to provide 1,410 dwelling units with an overall density of 5-21 DU/AC.

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

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

- (1) The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Project is located within the Low Density land use district of the Policy Plan Land Use Map, and the Planning Area 10 (RD-3; Conventional SFD) district of the Esperanza Specific Plan. With approval of the related Minor Variance (File No. PVAR18-006), 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. With approval of the related Minor Variance (File No. PVAR18-006), the Project has been designed consistent with the requirements of the City of Ontario Development Code and the Planning Area 10 (RD-3; Conventional SFD) district, including standards relative to the particular land use proposed (single-family residential),

as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions. The site is physically suitable for the proposed development of 100 single-family homes. The related Tentative Tract Map 17931, which subdivided the land, was approved by the Planning Commission on March 27, 2007; and

- The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project. The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code and the Esperanza 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 Esperanza Specific Plan. The Development Plan, in conjunction with approval of the associated Minor Variance (File No. PVAR18-006), will facilitate the construction of 100 single-family homes. The environmental impacts of this project were analyzed in the EIR (SCH# 2002061047), prepared for the Esperanza Specific Plan (File No. PSP05-002). All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference; and
- tandards 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 Esperanza 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 (single-family residential). As a result of this review, and with approval of the related Minor Variance (File No. PVAR18-006), the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Esperanza Specific Plan.

<u>SECTION 6</u>: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *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.

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

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution File No. PDEV18-025 April 23, 2019 Page 8	
STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro Te City of Ontario, DO HEREBY CERTIFY that passed and adopted by the Planning Comm meeting held on April 23, 2019, by the following	ission of the City of Ontario at their regula
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen Secretary Pro Tempore

ATTACHMENT A:

File No. PDEV18-025 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PDEV18-025

Related Files: PVAR18-006

Project Description: A Development Plan (File No. PDEV18-025) to construct 100 single-family dwellings, in conjunction with a Minor Variance (PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66, on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 of the Esperanza Specific Plan (TM17931) (APN(s): (APNs: 0218-252-16); **submitted by Christopher Development Group, Inc.**

Prepared By: Alexis Vaughn, Assistant Planner

<u>Phone</u>: 909.395.2416 (direct) <u>Email</u>: avaughn@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

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

File No.: PDEV18-025

Page 2 of 6

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

- (d) The development of this project shall conform to the City's Development Code and the regulations of the Esperanza Specific Plan.
- **(e)** All applicable conditions of approval of the Esperanza Specific Plan (File No. PSP05-002) shall apply to this Development Plan.
- **(f)** All applicable conditions of approval of the related TM17931 (File No. PMTT06-007), Development Agreement (File Nos. PDA06-002 and PDA14-003), and Minor Variance (File No. PVAR18-006) shall apply.

2.3 Landscaping.

- (a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).
- **(b)** Comply with the conditions of approval of the Planning Department; Landscape Planning Division.
- **(c)** Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.
- **(d)** Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.
- **(e)** Each single-family dwelling/lot shall be provided with front yard landscaping and a permanent automatic irrigation in the front yard of each lot. At a minimum, a seeded turf lawn, appropriate shrubs and trees, and an automatic irrigation system shall be provided. Furthermore, a variety of typical landscape designs shall be provided for use on each lot within the subdivision.
- **(f)** The owner or assigns of the project site shall be responsible for the maintenance of the project site in good condition, so as to present a healthy, neat, and orderly landscape area.
- **(g)** Any removal of mature landscaping shall require the replacement of such with landscaping of similar size and maturity.
- **(h)** Irrigation systems shall be constantly maintained to eliminate wastewater due to loss of heads, broken pipes or misadjusted nozzles.

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)** Decorative 6-foot high masonry block walls shall be constructed at the following locations (per approved site plan):

File No.: PDEV18-025

Page 3 of 6

(i) Rear and interior side property lines (walls not exposed to public view may be constructed of tan precision block); and

- (ii) Side property line wall returns to the dwelling unit, with appropriate gates.
- **(c)** Walls located within a required front yard setback shall be reduced to 3 feet in height. On any lots that front onto the park/paseos, front yard walls or hedgerows may not exceed a height of 3 feet from finished grade.
- (d) All new and existing walls shall be provided with a decorative cap. The use of a mortar and/or metal flashing cap shall not be permitted.
- **(e)** The height of a wall or fence shall be measured from 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.
- **(f)** Prior to the issuance of a building permit, a Wall Plan shall be reviewed and approved by the Planning and Building Departments. The plans 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 and shall be constructed of tilt-up concrete, brick, or split-face or slump block.

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)** Each single-family home shall maintain a minimum 20' x 20' (clear area) two-car garage.
- **(c)** No recreational vehicle storage (RV's) shall be permitted in front or corner side yards. No RV street parking shall be permitted for more than 72 hours.
- (d) Driveway (aprons) shall be designed and constructed per City of Ontario Standards.

2.6 Site Lighting.

- (a) Site lighting shall be reviewed and approved by the Planning and Police Departments prior to the issuance of building permits.
- **(b)** Along pedestrian movement corridors, the use of low-mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures.

2.7 Mechanical and Rooftop Equipment.

(a) 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 Architectural Treatment.

(a) Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions shall be included in the development construction drawings.

File No.: PDEV18-025

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(b) Applied decorative materials (i.e. wainscot, siding) shall wrap (where applicable) around to the left and right elevations and terminate at a logical point (return wall) or inside corner.

- **(c)** Cultured, precast, or fabricated stone products shall be constructed of an integral color material.
- **2.9** <u>Security Standards</u>. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).
- **2.10** Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

(a) Off-Site Subdivision Signs:

- (i) The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. **No other off-site signage is authorized.** (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.)
- **2.11** <u>Sound Attenuation</u>. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).
- **2.12** Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.
- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

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(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

(h) Adequate safeguards shall be incorporated into the CC&Rs to guarantee the property owner's association maintains adequate cash reserves for long-term project maintenance, such as, but not limited to, requiring that reserve funding studies are performed at regular intervals by the homeowner's association and that the association's reserves do not fall below the level initially approved by the State of California Department of Real Estate.

2.13 Disclosure Statements.

- (a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:
- (i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.
- (ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.
- (iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.
- (iv) This tract is part of a Landscape Maintenance District. The homeowner(s) will be assessed through their property taxes for the continuing maintenance of the district.

2.14 Environmental Review.

- (a) The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan (File No. PSP05-002), a Specific Plan for which an EIR (SCH# 2002061047) was previously adopted by the City Council on February 6, 2007. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- **(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- **2.15** 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.

File No.: PDEV18-025

Page 6 of 6

2.16 Additional Fees.

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

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

2.17 Additional Requirements.

- (a) The private linear parks shall be constructed prior to the issuance of the certificate of occupancy of the 50th home.
- **(b)** The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.
- **(c)** The Applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.
- **(d)** Final architecture for the proposed project shall be reviewed and approved by the Planning Department prior to the issuance of building permits.
- (i) The Development Plan (File No. PDEV18-025) approval is contingent upon Planning Commission approval of the related Minor Variance (File No. PVAR18-006) application.





CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development and Environmental], Traffic/Transportation Division, Ontario Municipal Utilities Company, IT Department and Management Services Department)

DATE:

March 19, 2019

DAB MEETING DATE:

April 15, 2019

PROJECT ENGINEER:

Miguel Sotomayor, Associate Engineer M5

909-395-2108

PROJECT PLANNER:

Alexis Vaughn, Assistant Planner

909-395-2429

PROJECT:

PDEV18-025 - A Development Plan to construct 100 single-family

dwellings on 16 acres of land within, Esperanza Specific Plan (APN:

0218-252-16)

APPLICANT:

Christopher Development Group, Inc.

LOCATION:

NEC of Eucalyptus Avenue and Mill Creek Avenue

This project shall comply with the requirements set forth in the General Standard Conditions of Approval adopted by the City Council (Resolution No. 2017-027) and the Project Specific Conditions of Approval specified herein. The Applicant shall be responsible for the completion of all conditions prior to issuance of permits and/or occupancy clearance.

- All the required improvements for this tract shall be subject to completion of the required public improvements including public utilities beyond the tract limits as specified in Esperanza Specific Plan, the Development Agreement and the Conditions of Approval for TM-17931.
- 2. The applicant/developer shall design and construct the following:
 - (a) Amherst Avenue curb to curb including the underground public utilities (domestic water, sewer and storm drain) from Eucalyptus Avenue to Chatham Street.
 - (b) Chatham Street curb to centerline of street including domestic water from Amherst Avenue to Clifton Avenue.
 - (c) Underground public utilities in Clifton Avenue (domestic water, recycled water, storm drain and sewer) from Eucalyptus Avenue to Chatham Street.



- 3. The applicant/developer shall prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required. A separate bond shall be submitted for the street improvements on Clifton Avenue (AC, CAB, curb & gutter, catch basins and street lights).
- The applicant/developer shall provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents) prior to final subdivision map approval.
- 5. The applicant/developer shall provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability) prior to final subdivision map approval.
- 6. The applicant/developer shall 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 handhole 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 handhole.
- The applicant/developer shall design and construct the cul-de-sac on Mendocino Avenue in accordance with City Standard No. 1101.
- 8. The applicant/developer shall provide documentation of ground water well abandonment prior to approval of the Precise Grading Plans.
- 9. RW Program Requirements: In order to receive RW service, the applicant shall comply with each of the following:
 - a. Prior to Precise Grading Plan Approval and Building Permits Issuance:
 - 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.
- Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations: The Tract Map sewer mains design shall follow the TTM17931 SSAMP, dated 02/21/2019, and any deviation from this design shall require the SSAMP to be updated and resubmitted to OMUC for review and approval.
- 11. Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, the Solid Waste Handling Plan submitted on 01/25/2019 with the entitlement package shall be revised into a Final SWHP and be submitted with the Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
- 12. <u>Final Utility Systems Map (USM)</u>: The Development Plan shall follow the USM submitted on 02/26/2019 with the entitlement package and revised into a Final USM. Any deviation from this plan shall require the USM to be updated and resubmitted to OMUC for review and approval. A Final USM shall be submitted for review and approval with the Potable Water, Recycled Water, and Sewer Improvement Plans.



13. End of Mains: Any public potable water, recycled water, and sanitary sewer mains along Mendocino Avenue shall terminate at or before the end of the cul-de-sac.

Raymond Lee, P. E.

Date

c:Raymond Lee, P.E., Engineering/Land Development

Assistant City Engineer

Bryan Lirley, P. E.

Principal Engineer



CITY OF ONTARIO MEMORANDUM

TO:

Henry Noh, Senior Planner

Planning Department

FROM:

Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE:

July 22, 2018

SUBJECT:

PDEV18-025 - A Development Plan to construct 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus

dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza Specific Plan (APN:

0218-252-16). Related File: TT 17931

The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2016 CBC Type of Construction: Type V

B. Type of Roof Materials: Ordinary

C. Ground Floor Area(s): Varies 2.500 - 3,00 Sq. Ft. Total

D. Number of Stories: 2

E. 2016 CBC Occupancy Classification(s): R

CONDITIONS OF APPROVAL:

1.0 GENERAL

- □ I.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, click on "Fire Department" and then on "Standards and Forms."
- □ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- □ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.4 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.

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

3.0 WATER SUPPLY

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

4.0 FIRE PROTECTION SYSTEMS

- ☑ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finaled) <u>before</u> 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.

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.

- Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.

CITY OF ONTARIO MEMORANDUM

	TO:	PLANNING DEPARTMENT, Henry Noh
F	ROM:	BUILDING DEPARTMENT, Kevin Shear
D	ATE:	July 10, 2018
SUBJ	ECT:	PDEV18-025
\boxtimes	The p	plan does adequately address the departmental concerns at this time.
		No comments
	\boxtimes	Report below.
		Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

O:		

Scott Murphy, Development Director Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division Charity Hernandez, Economic Development

Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department

Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager

Lorena Mejia, Airport Planning Steve Wilson, Engineering/NPDES

Joe De Sousa, Code Enforcement (Copy of memo only)

Jimmy Chang, IT Department

FROM:

Henry Noh, Senior Planner

DATE:

July 09, 2018

SUBJECT: FILE #: PDEV18-025

Finance Acct#:

JUL 1 0 2018

City of Ontario Planning Department

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by Monday , July 23 , 2018 .	of
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 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza Specific Plan (APN: 0218-252-16). Related File: TT 17931.	
The plan does adequately address the departmental concerns at this time.	
☐ No comments	
Report attached (1 copy and email 1 copy)	
Standard Conditions of Approval apply	
The plan does not adequately address the departmental concerns.	
The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.	

Building			
Department	Signature	Title	Date



CITY OF ONTARIO

MEMORANDUM

TO:	Scott Murphy, Development Director Cathy Wahlstrom, Planning Director	
	Diane Ayala, Advanced Planning Division	
	Charity Hernandez, Economic Development	
	Kevin Shear, Building Official	
	Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division	
	Ahmed Aly, Municipal Utility Company	
	Doug Sorel, Police Department	
	Paul Ehrman, Deputy Fire Chief/Fire Marshal	
	Jay Bautista, T. E., Traffic/Transportation Manager	
	Lorena Mejia, Airport Planning	
	Steve Wilson, Engineering/NPDES	
	Joe De Sousa, Code Enforcement (Copy of memo only) Jimmy Chang , IT Department	
	, - and , and a second	
FROM:	Alexis Vaughn, Assistant Planner	
DATE:	October 10, 2018	
SUBJECT:	FILE #: PDEV18-025 Finance Acct#:	
The followin of your DAB	ng project has been resubmitted for review. Please send one (1) copy and email one (1) copy B report to the Planning Department by Wednesday, October 24, 2018 .	
land located	DESCRIPTION: A Development Plan to construct 100 single-family dwellings on 16 acres of d at the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza in (APN: 0218-252-16). Related File: TT 17931.	
The pla	an 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	n does not adequately address the departmental concerns.	
	The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.	

Landscap Planning Caroly Bell St Landscap Arch Ject
Department Title Title Date

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell, Sr. Landscape Architect

11/13/18 Date

Reviewer's Name:

Carolyn Bell, Sr Landscape Architect

Phone:

(909) 395-2237

Case Planner:

Henry Noh

D.A.B. File No.:

PDEV18-025 Rev 1

Project Name and Location:

Christopher Homes - Esperanza SP - Models, Typicals, HOA parkways,

NEC Eucalyptus Ave and Cleveland Ave

Applicant/Representative:

Christopher Homes-Patrick Mc Cabe

23 Corporate Plaza Dr. ste 246

Newport Beach, CA

A Preliminary Landscape Plan (dated 10/10/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
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

Civil/ Site Plans

- 1. Coordinate with SCE to verify a water Quality swale is acceptable in this area typically not.
- 2. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Move water meters, drain lines, sewer lines, street lights and all utilities to the minimum spacing to allow an 8' space 30' apart for street trees, coordinate with the landscape architect to avoid tree locations when relocating utilities.
- 3. Note: All finished grades at 1 ½" below finished surfaces.
- 4. Show lot drainage with a catch basin and gravel sump below each before exiting property.
- 5. Add note to Grading Construction Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation Planting Soil Specifications.

Landscape Plans

6. Revise hardscape design (irrigation and planting ok on CD's) to include a logical separation

- for maintenance on Mill Creek at park; move curved paving west, hardscape to cross PL at mowstrip, at a control joint to define boundary of maintenance responsibilities.
- 7. Coordinate with civil to avoid tree locations for utilities.
- 8. Street trees: Quercus suber as background tree triangularly spaced between Pistache on Mill Creek. Note 25' tree height limit, 40' limit with SCE permission under transmission lines.
- Correct Low water plants noted per WUCOLS actually moderate water plants. Use on separate systems in shade or on north and east facing sites: Bergenia, Agapanthus, Anigozanthos, etc.
- 10. Provide phasing map for multi-phase projects.

Model landscape plans

- 11. Replace or move wide spreading trees shown adjacent to the PL wall so the neighbor is not burdened with their litter or maintenance. Select a mix of evergreen tall, narrow canopy trees and smaller canopy trees instead. Show or dimension trees to be ½ of canopy diameter; Navel Orange at 6' from PL, Rhus and Olive at 12' from PI, or use narrow upright trees min 5' from PL such as Callistemon salignus, Hymenosporum,
- 12. Add shade tolerant shrubs and groundcovers to legend to sub for north and east facing sites.
- 13. Correct note on Mill Creek: CFD on west side within the neighborhood edge. The additional landscape area outside of the neighborhood edge but within the PL shall be HOA maintained with a mow strip defining the edge but landscape to be compatible.
- 14. Remove or change call out 27, half circle of rock garden. Integrate design to coordinate with home architecture or style of neighborhood and avoid a rock garden in a cottage garden design. Consider Mediterranean or California friendly planting design and omit the rocks.

Park landscape plans

- 15. Provide unique, challenging play equipment for playground instead of the typical. Consider Nature inspired equipment from Landscape Structures (Sunset Park NV), Play World, etc. Consider a small splash pad in the play area, if possible.
- 16. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—5 or more acres	\$2,326.00
Inspection—Construction (up to 3 inspections p	er phase) \$278.00 provide a phasing map
Total	\$2,604.00
Inspection—Field – any additional	\$83.00
Landscape construction plans with building perm	nit number for plan check may be emailed to:
landscapeplancheck@ontarioca.gov	



CITY OF ONTARIO

MEMORANDUM

TO:	Scott Murphy, Development Director	
	Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division	
	Charity Hernandez, Economic Development	
	Kevin Shear, Building Official	
	Khoi Do, Assistant City Engineer	
	Carolyn Bell, Landscape Planning Division	
	Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department	
	Paul Ehrman, Deputy Fire Chief/Fire Marshal	
	Jay Bautista, T. E., Traffic/Transportation Manager	
	Lorena Mejia, Airport Planning Steve Wilson, Engineering/NPDES	
	Joe De Sousa, Code Enforcement (Copy of memo only)	
	Jimmy Chang , IT Department	
FROM:	Henry Noh, Senior Planner	
DATE:	July 09, 2018	
SUBJECT:	FILE #: PDEV18-025 Finance Acct#:	
	ng project has been submitted for review. Please send one (1) copy and email one (1) copy of eport to the Planning Department by Monday, July 23, 2018 .	
Note:	Only DAB action is required	
	Both DAB and Planning Commission actions are required	
	Only Planning Commission action is required	
	DAB, Planning Commission and City Council actions are required	
	Only Zoning Administrator action is required	
	DESCRIPTION: A Development Plan to construct 100 single-family dwellings on 16 acres of	
land located		
land located Specific Plan	DESCRIPTION: A Development Plan to construct 100 single-family dwellings on 16 acres of lat the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza	`
land located Specific Plan	DESCRIPTION: A Development Plan to construct 100 single-family dwellings on 16 acres of lat the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza n (APN: 0218-252-16). Related File: TT 17931.	
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CITY OF ONTARIO

MEMORANDUM

го:	Scott Murphy, Development Director Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Man Lorena Mejia, Airport Planning Steve Wilson, Engineering/NPDES Joe De Sousa, Code Enforcement (Copy of In Jimmy Chang, IT Department		
FROM:	Henry Noh, Senior Planner		
DATE:	July 09, 2018		
SUBJECT:	FILE #: PDEV18-025	Finance Acct#:	
The following	g project has been submitted for review. Please port to the Planning Department by Monday, J	e send one (1) copy and email one (1) copy of uly 23, 2018.	
Note:	Only DAB action is required		
	Both DAB and Planning Commission actions a	are required	
Ī	Only Planning Commission action is required		
	DAB, Planning Commission and City Council	actions are required	
	Only Zoning Administrator action is required		
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The plan	n does adequately address the departmental co	oncerns at this time.	
	No comments		
	Report attached (1 copy and email 1 copy)		
	Standard Conditions of Approval apply		
The pla	n does not adequately address the department	al concerns.	
	The conditions contained in the attached repo Development Advisory Board.	ort must be met prior to scheduling for	

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PDEV18-025			Reviewed By:		
Address:	NEC Mill Creek Av	Lorena Mejia				
APN:	0218-252-16	Contact Info:				
Existing Land Use:	Vacant	909-395-2276				
	Davidson and Bland		(14)-11	Project Planner:		
Use:	Development Plan t	o construct 100 Single Family Res	idential nomes	Henry Noh		
Site Acreage:	16 ac	Proposed Structure Heig	ht: 30 FT	Date: 8/1/18		
ONT-IAC Project	t Review: N/A			CD No.: 2018-060		
Airport Influence	Area: ONT			PALU No.: n/a		
TI	ne project is i	mpacted by the follow	ing ONT ALUCP Compa	atibility Zones:		
Safe	ty	Noise Impact	Airspace Protection	Overflight Notification		
Zone 1		75+ dB CNEL	High Terrain Zone	Avigation Easement		
Zone 1A		70 - 75 dB CNEL	FAA Notification Surfaces	Dedication Recorded Overflight		
Zone 2		65 - 70 dB CNEL	Airspace Obstruction	Notification		
Zone 3	Č	60 - 65 dB CNEL	Surfaces	Real Estate Transaction Disclosure		
Zone 4		JOO TOO GID GIVEE	Airspace Avigation Easement Area			
Zone 5			Allowable Height: 200 + FT			
	The project	is impacted by the foll	owing Chino ALUCP Sa	fety Zones:		
Zone 1 Zone 2 Zone 3 Zone 4 Zone 5 Zone 6						
Allowable Heig	jht:					
		CONSISTENCY	DETERMINATION			
建设设施的设计						
This proposed Propose	oject is: Exemp	ot from the ALUCP Cons	sistent • Consistent with Cor	nditions Inconsistent		
The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.						
See attached condition.						
Airport Planner S	Signature:	Lonen 1	Agic			

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2018-060
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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



FILE NO(S).: PDEV18-032

SUBJECT: A Development Plan to construct a 64-foot tall stealth wireless telecommunications facility (monopine) and 280 square foot equipment enclosure on 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district. (APN: 0216-401-63) **submitted by Verizon Wireless.**

PROPERTY OWNER: Celda Inc.

RECOMMENDED ACTION: That the Planning Commission consider and adopt a Mitigated Negative Declaration and approve File No. PDEV18-032 pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district, and is depicted in Figure 1: Project Location, below. The area to south and east are developed with commercial uses, single-family and multiple-family dwellings exist to the west, and the Pomona (SR-60) Freeway abuts the

project site on the north.

PROJECT ANALYSIS:

[1] <u>Background</u> — The Applicant is requesting approval of a Development Plan (File No. PDEV18-032) to construct a 64-foot tall stealth telecommunications facility (monopine), with an accompanying 280-square foot equipment enclosure and an 8-foot high decorative masonry block screen wall within the existing Vineyard Pavilion shopping center (see Exhibit B—Site Plan and Exhibit C—Enlarged Site Plan).



Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo
Planning Director Approval:	Colly
Submittal Date:	10/01/18

Hearing Body	Date	Decision	Action
DAB	04/15/19	Approved	Recommend
PC	04/23/19		Final
CC			

April 23, 2019

On April 15, 2019, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project, subject to conditions.

[2] <u>Site Design/Building Layout</u> — The facility is proposed within the existing Vineyard Pavilion shopping center. The monopine antenna, equipment enclosure and screen wall will be located to the rear of the existing AM/PM convenience store located at the northeasterly corner of the shopping center, adjacent to the Vineyard Avenue/60-Freeway intersection. The tower will measure 64 feet to the top of the proposed antennas, and includes an additional 7 feet measured to the top of the foliage, for an overall height of 71 feet.

Along with the cell tower, the facility will include a 280-square foot (20 feet x 14 feet) equipment enclosure, which will house the cell tower's operating equipment, constructed of decorative masonry block. The project site plan and tower elevations are depicted in **Exhibit B: Site Plan and Exhibit D: Elevations.** The proposed Verizon facility will enhance coverage within the surrounding residential and commercial areas, which is currently lacking in coverage, as shown on the attached existing and proposed condition propagations maps (see Exhibits E and F, attached).

The maximum height allowed for a single-carrier telecommunication facility is 55-feet, and 65-feet for a co-located (two or more carriers) facility. The proposed facility is designed to accommodate at least two carriers; therefore, the proposed mounting height of the proposed wireless telecommunications antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the monopine elevations, a future second carrier could install their equipment on the monopine without creating interference with the other carrier, due to the extended tower height.

- [3] <u>Site Access/Circulation/Parking</u> The project is proposing a 12 foot wide non-exclusive technician parking stall within the existing shopping center parking lot, located immediately west of the proposed facility, across the adjacent drive aisle. The parking space is being provided in accordance with the Development Code, which requires that one parking space must be provided on-site. The parking space is for use by maintenance engineers, who will visit the facility once or twice a month; therefore, the new wireless facility will not create a significant new source of automobile or truck traffic.
- [4] <u>Architecture</u> The proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed monopine cell tower meets the City's design guidelines, and will blend in with the surrounding scenery. In addition, the following conditions of approval have been placed on the project to assure that the project will blend with the existing shopping center:
- [a] The monopine shall include heavy, dense foliage with a minimum branch count of 3 branches per lineal foot of trunk height. Branches shall be randomly dispersed,

File No.: PDEV18-032

April 23, 2019

and shall be of differing lengths, to provide a natural appearance. Branch density shall be consistent throughout the tree and shall not be concentrated in any one area. The branches shall have a natural shape and appearance, as depicted in **Exhibit E: Photo Simulations**, attached.

- [b] Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.
- [c] Branches and foliage shall extend beyond an antenna array, a minimum of 2 feet horizontally and 7 feet vertically, in order to adequately camouflage the array, antennas, and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.
- [d] All antennas shall be fully concealed within the branches. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed.

The proposed location provides an opportunity for the carrier (Verizon Wireless) to provide telecommunication coverage on residentially zoned properties to the west and south, and commercial development to the east. Furthermore, the telecommunication facility has a stealth design to mitigate its visual impact, and has been designed for collocation, which will potentially eliminate the need for an additional facility in the area. Additional specimen trees will screen the stealth monopine from view from the north along with the 60 Freeway separation, and will blend into the surrounding scenery. These separations will provide a buffer between the telecommunication facility and neighboring industrial uses.

- [5] <u>Landscaping</u> The project proposes the installation of new landscaping adjacent to the equipment enclosure. Furthermore, the project will provide three new 36-inch box afghan pine trees to complement the monopine facility design. In addition, a condition of approval has been placed on the project requiring the applicant to replace any dead and missing landscaping around the existing telecommunication facility.
- [6] <u>Signage</u> Pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure.

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:

File No.: PDEV18-032

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[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
- ➤ <u>LU2-6</u>: <u>Infrastructure Compatibility</u>: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Community Design Element:

- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- ➤ <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:

File No.: PDEV18-032

April 23, 2019

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

- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-9 Landscape Design</u>. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- ➤ <u>CD2-13 Entitlement Process</u>. 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.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

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April 23, 2019

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

CONDITIONS OF APPROVAL: See attached department reports.

Planning Commission Staff Report File No.: PDEV18-032

April 23, 2019

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Commercial	GC (General Commercial)	CC (Community Commercial)	n/a
North:	60 Freeway	60 Freeway	60 Freeway	60 Freeway
South:	Commercial and Single Family Residences	GC (General Commercial) and LDR (Low Density Residential)	CC (Community Commercial) and LDR5	n/a
East:	Commercial	GC (General Commercial)	CC (Community Commercial)	n/a
West:	Single and Multi-Family Residences	MDR (Medium Density Residential) and LDR (Low Density Residential)	MDR18 and LDR5	n/a

PDEV18-032 Aerial Map 60 WIB ONRAMP SR-60 W/B OFFRAMP **Project Site** S.R:-60 FWY W.B. S.R.-60 FWY E.B. SR-60, E/B ONRAMP SR-60 E/B OFFRAMP FAIRFIELDST BANYAN ST WALNUTST BERMUDA DUNES CT Legend MAIDSTONE ST Project Site

Exhibit A—PROJECT LOCATION MAP

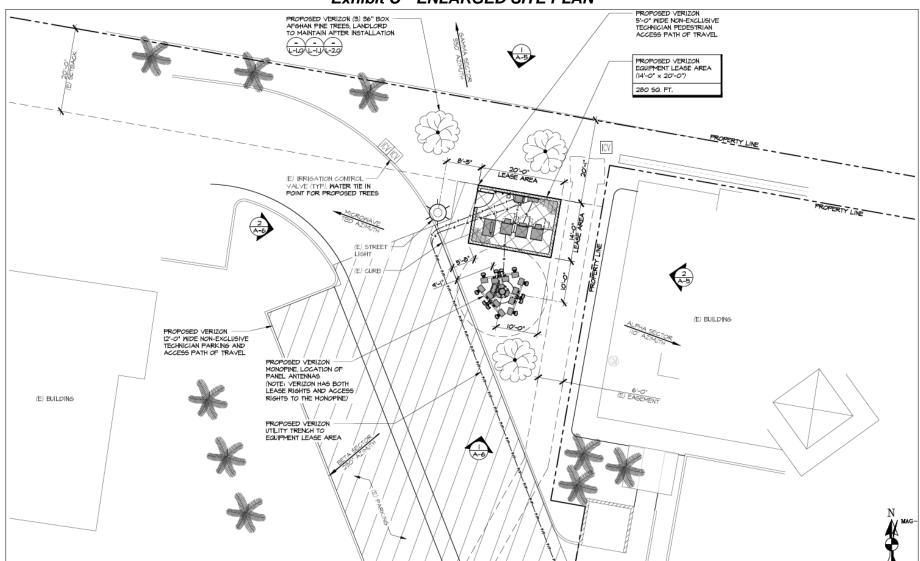
Streets Parcels April 23, 2019

Exhibit B—SITE PLAN PROPOSED VERIZON (3) 36" BOX AFSHAN PINE TREES, LANDLORD TO MAINTAIN AFTER INSTALLATION PROPOSED VERIZON EGUIPMENT LEASE AREA (14'-0" × 20'-0") PROPOSED VERIZON 5'-0' MIDE NON-EXCLUSIVE TECHNICIAN PEDESTRIAN ACCESS PATH OF TRAVEL PROPOSED VERIZON MONOPINE, LOCATION OF PANEL ANTENNAS VINEYARD AVE. (E) BUILDING (E) BUILDING APN. 0216-411-37 PROPOSED VERIZON — UTILITY TRENCH TO EQUIPMENT LEASE AREA PROPOSED VERIZON 200A METER PEDESTAL (POMER OPTION) (E) SCE PAD TRANSFORMER 1P5462333, PROPOSED VERIZON PONER P.O.C., APPROX. 190 FT. (E) GAS STATION OVERHANG 50'-0" 42'-1" PROPOSED VERIZON IT'X50' FIBER MMP HANDHOLE (E) FRONTIER FIBER VAULT, PROPOSED VERIZON FIBER P.O.C., APPROX. 165 FT. (FIBER OPTION #1) FROPOSED VERIZON IT'X90" FIBER MAP HANDHOLE, FIBER P.O.G. FOR LIT & DARK FIBER APPROX. 500 FT. (FIBER OPTION \$2) PROPOSED VERIZON 60'-0" INDE NON-EXCLUSIVE TECHNICIAN PARKING AND ACCESS PATH OF TRAVEL APN. 0216-401-63 PROPOSED CROWN IOO' FIBER CONDUIT FROM PROPOSED CROWN FIBER HANDHOLE TO PROPOSED VERIZON MMP HANDHOLE (INSTALLED BY CROWN / UNDER SEPARATE PERMIT) - PROPOSED CROWN FIBER HANDHOLE IN ROM (INSTALLED BY CROWN / UNDER SEPARATE PERMIT) A.P.N. 0216-411-33 0

Page 9 of 14

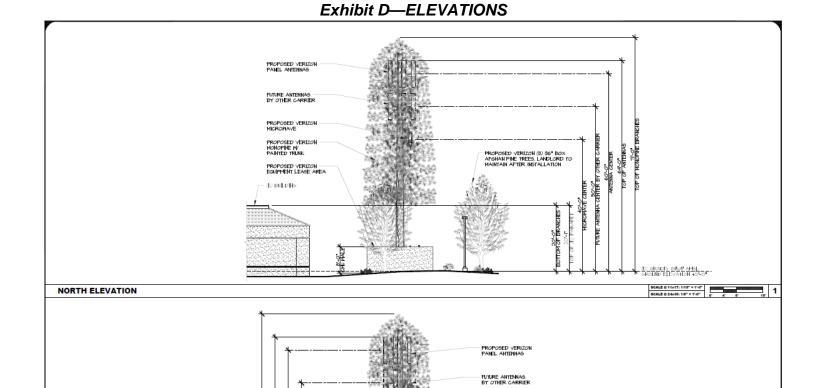
April 23, 2019

Exhibit C—ENLARGED SITE PLAN



EAST ELEVATION

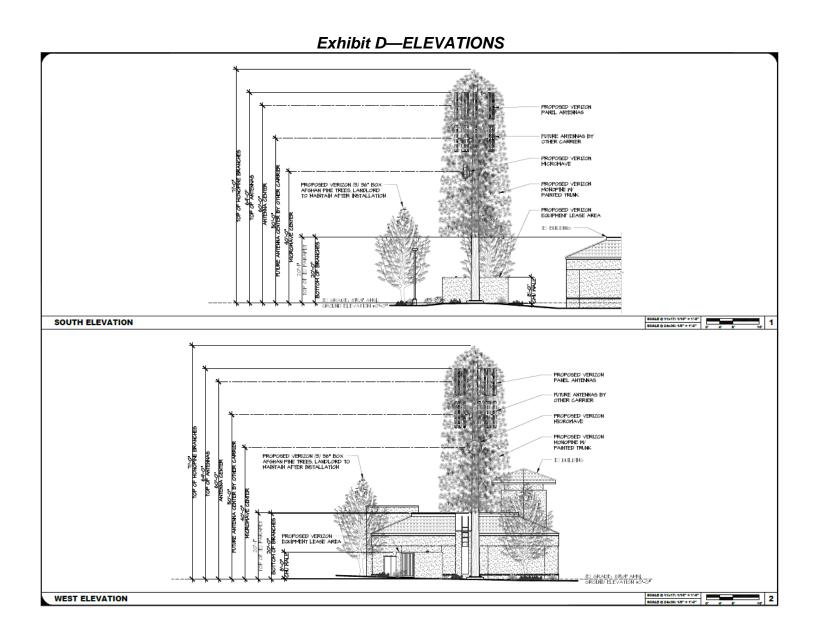
April 23, 2019



PROPOSED VERIZON MONOPINE W PAINTED TRUNK

> PROPOSED VERIZON (3) 36° BOX AFIGHAN PINE TREES, LANDLORD TO MAINTAIN AFTER INSTALLATION

(E) GRADE: 615.4" AMSL GROUND ELEVATION +0'-0" April 23, 2019



Page 12 of 14

April 23, 2019

Exhibit E—PROPAGATION MAP, EXISTING COVERAGE

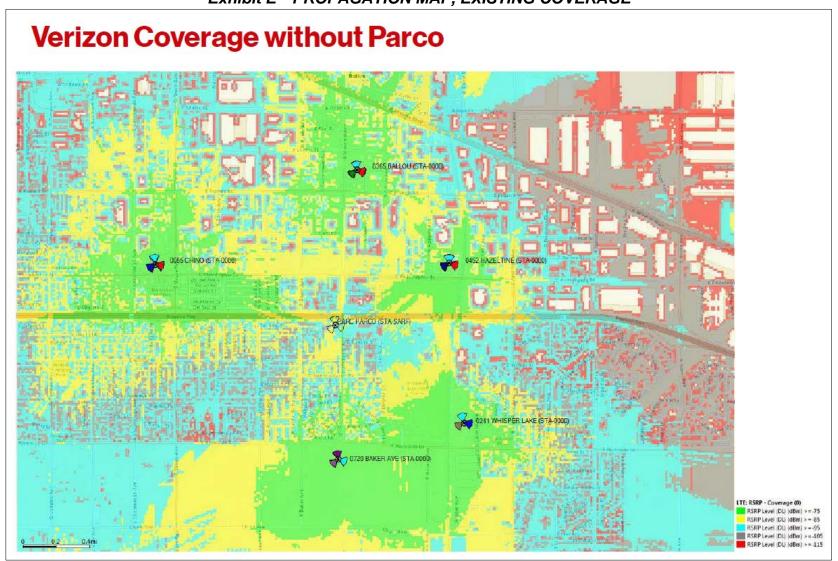
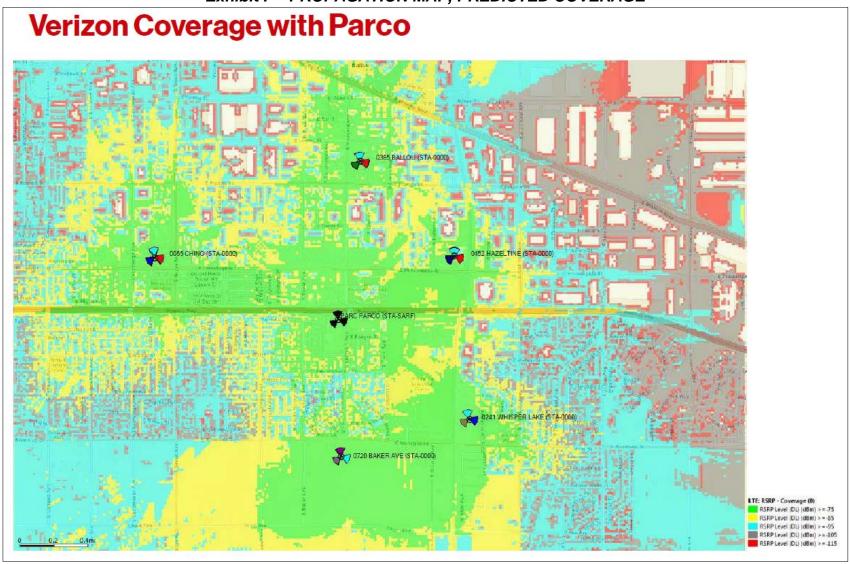


Exhibit F—PROPAGATION MAP, PREDICTED COVERAGE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-032, A DEVELOPMENT PLAN TO CONSTRUCT A 64 FOOT TALL STEALTH WIRELESS TELECOMMUNICATIONS FACILITY (MONOPINE) AND 280 SQUARE FOOT EQUIPMENT ENCLOSURE ON 12.8 ACRES OF LAND LOCATED AT 2450 SOUTH VINEYARD AVENUE, WITHIN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0216-401-63.

WHEREAS, VERIZON WIRELESS ("Applicant") has filed an Application for the approval of a Development Plan Review, File No. PDEV18-032, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 12.8 acres of land generally located on the northeasterly corner of the parcel, at 2450 South Vineyard Avenue within the CC (Community Commercial) zoning district, and is presently improved with the Vineyard Pavilion shopping center; and

WHEREAS, the property to the north of the Project site is within the 60 Freeway. The property to the east is within the GC (General Commercial) zoning district, and is developed with commercial land uses. The property to the south is within the GC (General Commercial) and LDR-5 (Low Density Residential) zoning districts, and is developed with commercial and single family residences. The property to the west is within the MDR-18 (Medium Density Residential) and LDR-5 (Low Density Residential) zoning districts, and is developed with single and multi-family residences; and

WHEREAS, on April 15, 2019, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project; and

WHEREAS, the facility is proposed within the existing Vineyard Pavilion shopping center. The monopine antenna, equipment enclosure and screen wall will be located to the rear of the existing AM/PM convenience store located at the northeasterly corner of the shopping center, adjacent to the Vineyard Avenue/60-Freeway intersection. The tower will measure 64 feet to the top of the proposed antennas, and includes an additional 7 feet measured to the top of the foliage, for an overall height of 71 feet; and

WHEREAS, along with the cell tower, the facility will include a 280-square foot (20 feet x 14 feet) equipment enclosure, which will house the cell tower's operating equipment, constructed of decorative masonry block. The proposed Verizon facility will enhance coverage within that residential and commercial area, which is currently lacking, as shown on the attached existing and proposed condition propagations maps; and

WHEREAS, the maximum height allowed for a single-carrier telecommunication facility is 55-feet, and 65-feet for a co-located (two or more carriers) facility. The proposed facility is designed to accommodate at least two carriers; therefore, the proposed mounting height of the proposed wireless telecommunications antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the monopine elevations, a future second carrier could install their equipment on the monopine without creating interference with the other carrier, due to the extended tower height; and

WHEREAS, the project is proposing a 12 foot wide non-exclusive technician parking stall within the existing shopping center parking lot, located immediately west of the proposed facility, across the adjacent drive aisle. The parking space is being provided in accordance with the Development Code, which requires that one parking space must be provided on-site. The parking space is for use by maintenance engineers, who will visit the facility once or twice a month; therefore, the new wireless facility will not create a significant new source of automobile or truck traffic; and

WHEREAS, the proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed monopine cell tower meets the City's design guidelines, and will blend in with the surrounding scenery. In addition, the following conditions of approval have been placed on the project to assure that the project will blend with the existing shopping center:

- [a] The monopine shall include heavy, dense foliage with a minimum branch count of 3 branches per lineal foot of trunk height. Branches shall be randomly dispersed, and shall be of differing lengths, to provide a natural appearance. Branch density shall be consistent throughout the tree and shall not be concentrated in any one area. The branches shall have a natural shape and appearance.
- [b] Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.
- [c] Branches and foliage shall extend beyond an antenna array, a minimum of 2 feet horizontally and 7 feet vertically, in order to adequately camouflage the array, antennas, and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.
- [d] All antennas shall be fully concealed within the branches. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed; and

WHEREAS, the proposed location provides an opportunity for the carrier (Verizon Wireless) to provide telecommunication coverage on residentially zoned properties to the

west and south, and commercial development to the east. Furthermore, the telecommunication facility has a stealth design to mitigate its visual impact, and has been designed for collocation, which will potentially eliminate the need for an additional facility in the area. Additional specimen trees will screen the stealth monopine from view from the north along with the 60 Freeway separation, and will blend into the surrounding scenery. These separations will provide a buffer between the telecommunication facility and neighboring industrial uses; and

WHEREAS, the project proposes the installation of new landscaping adjacent to the equipment enclosure. Furthermore, the project will provide three new 36-inch box afghan pine trees to compliment the monopine facility design. In addition, a condition of approval has been placed on the project requiring the applicant to replace any dead and missing landscaping around the existing telecommunication facility. Staff will work with the Applicant to ensure that a quick-growing type of pine tree is selected; and

WHEREAS, pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies

and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-016, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

- (1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- (2) The Project is categorically exempt from environmental review pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and
- (3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

- (4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.
- SECTION 2: **Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.
- Ontario International Airport Land Use Compatibility Plan SECTION 3: ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.
- <u>SECTION 4</u>: **Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

Development Plans

(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 GC (General Commercial) land use district of the Policy Plan Land Use Map, and the CC (Community Commercial) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

- (2) The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located. The Project has been designed consistent with the requirements of the City of Ontario Development Code and the CC (Community Commercial) zoning district, including standards relative to the particular land use proposed (monopine), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.
- (3) The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project. The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.
- (4) The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development. The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed ([insert land use]). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

<u>SECTION 5</u>: **Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 6</u>: *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.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution PDEV18-032 April 23, 2019 Page 9	
STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro Ter City of Ontario, DO HEREBY CERTIFY that passed and adopted by the Planning Commis meeting held on April 23, 2019, by the following	ssion of the City of Ontario at their regula
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen
	Secretary Pro Tempore

ATTACHMENT A:

File No. PDEV18-032 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PDEV18-032

Project Description: A Development Plan to construct a 64 foot tall stealth wireless telecommunications facility (monopine) and 280 square foot equipment enclosure on 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district. (APN: 0216-401-63) **submitted by Verizon Wireless.**

Prepared By: Jeanie Irene Aguilo, Associate Planner

<u>Phone</u>: 909.395.2418 (direct) <u>Email</u>: 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.

Planning Department; Land Development Division: Conditions of Approval

File No.: PDEV18-032

Page 2 of 3

2.3 Landscaping.

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

- **(b)** Comply with the conditions of approval of the Planning Department; Landscape Planning Division.
- **2.4** <u>Walls and Fences</u>. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

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

2.6 Site Lighting.

- (a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.
- **(b)** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.
- **2.7** Mechanical and Rooftop Equipment. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.
- **2.8** <u>Security Standards</u>. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).
- **2.9** <u>Signs</u>. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).
- **2.10** Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

- (a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

Planning Department; Land Development Division: Conditions of Approval

File No.: PDEV18-032

Page 3 of 3

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

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

2.13 Additional Fees.

- (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

- (a) The monopine shall include heavy, dense foliage with a minimum branch count of 3 branches per lineal foot of trunk height. Branches shall be randomly dispersed, and shall be of differing lengths, to provide a natural appearance. Branch density shall be consistent throughout the tree and shall not be concentrated in any one area. The branches shall have a natural shape and appearance.
- **(b)** Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.
- **(c)** Branches and foliage shall extend beyond an antenna array, a minimum of 2 feet horizontally and 7 feet vertically, in order to adequately camouflage the array, antennas, and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.
- (d) All antennas shall be fully concealed within the branches. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DAB MEETING DATE:

April 15th, 2019

PROJECT:

PDEV18-032, a Development Plan to construct a telecommunications

facility with a 64-foot high antenna (Monopine) and associated 280

square foot equipment enclosure on 12.8 acres of land.

APN:

0216-401-63

LOCATION:

2450 South Vineyard Avenue

PROJECT ENGINEER:

Antonio Alejos, Assistant Engineer A.A.

(909) 395-2384

PROJECT PLANNER:

Jeanie Aguilo, Associate Planner

(909) 395-2418

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

- 1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
- 2. The Applicant/Developer shall apply for an Encroachment Permit for any proposed work in the public right-of-way.

Bryan Lirley, P.E. Principal Engineer

Date

Raymond Lee, P.E.

Assistant City Engineer

Date



CITY OF ONTARIO

MEMORANDUM

10.	Scott Murphy, Development Director Cathy Wahlstrom, Planning Director (Copy of memo only) Diane Ayala, Advanced Planning Division (Copy of memo only) Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Airport Planning Eric Woosley, Engineering/NPDES Joe De Sousa, Code Enforcement (Copy of memo only) Jimmy Chang, IT Department	
FROM:	Jeanie Irene Aguilo, Assistant Planner	
DATE:	January 24, 2019	
SUBJECT:	FILE #: PDEV18-032 Finance Acct#:	
The following of your DAB	g project has been resubmitted for review. Please send one (1) copy and email one (1) copy report to the Planning Department by Thursday, February 7, 2019 .	
high antenna	DESCRIPTION: A Development Plan to construct a telecommunications facility with a 64-foot a (monoeucalyptus) and associated 280 square foot equipment enclosure on 12.8 acres of at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district 401-63).	
The plan	n does adequately address the departmental concerns at this time.	
	No comments	
A	See previous report for Conditions	
X	Report attached (1 copy and email 1 copy)	
	Standard Conditions of Approval apply	
The plan	n does not adequately address the departmental concerns.	
	The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.	

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

PRELIMINARY PLAN CORRECTIONS

303 East "B" Street, Ontario, CA 91764

Sign Off

Carolyn Bell, Sr. Landscape Architect Date

	Carolyn Bell, Sr. Landscape Architect	t	Date	
Reviewer's Name:		one:		
Carolyn Bell, Sr Landscape Architect	(90	09) 395	-2237	
D.A.B. File No.:	Cas	se Planne	r:	
PDEV18-032 Rev 1	Jea	Jeanie Irene Aguilo		
Project Name and Location:				
Verizon - Parco				
2450 S Vineyard				
Applicant/Representative:				
Fulsang Architecture – Core Communications	John Detrich, jdetrich@core.us.	.com		
3471 Via Lido Suite 202				
Newport Beach, CA 92663				
A Preliminary Landscape Plan (dated 1/24/19) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.				
A Preliminary Landscape Plan (dated Corrections noted below are required		pe Plan	approval.	
A RESPONSE SHEET IS REQUIRED WITH RESUE	MITTAL OR PLANS WILL BE RETU	JRNED A	S INCOMPLETE	

- Note existing trees shall be protected in place. Replacements for healthy trees removed or damaged during construction shall be per the Tree Protection Policy in the Development Code. Add tree protection notes to demo and construction plans, available on the Landscape Planning website. https://www.ontarioca.gov/landscape-planning/standards
- 2. Note on plans for automatic irrigation with 4 new 5' FB pop-up <u>stream spray bubblers</u> at each tree. Revise legend and detail to remove CST center strip and graphic of flood bubblers
- 3. Add to irrigation plan how the new valve will be wired to the existing controller or note for a new electrical connection and hardwired controller at the enclosure.
- 4. Note on plans Verizon shall be ultimately responsible for the health and viability of the new landscape and irrigation, not the property owner.
- 5. Provide property owner contact number or maintenance association contact number on construction plans.
- 6. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections)	\$278.00
Total	\$1570.00
Inspection—Field – any additional	

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

CITY OF ONTARIO MEMORANDUM

	TO:	PLANNING DEPARTMENT, Jeanie Aguilo	
FI	ROM:	BUILDING DEPARTMENT, Kevin Shear	
D	ATE:	October 4, 2018	
SUBJ	ECT:	PDEV18-032	
\boxtimes			
		No comments	
	\boxtimes	Report below.	

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

	- Annual Property	THE THE PARTY OF T		
FO:		Scott Murphy, Development Director Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Mai Lorena Mejia, Aiport Planning Steve Wilson, Engineering/NPDES Joe De Sousa, Code Enforcement (Copy of Immy Chang, IT Department	nager	
FROM:		Jeanie Irene Aguilo, Assistant Planne	r	
DATE:		October 02, 2018		
SUBJE	CT:	FILE #: PDEV18-032	Finance Acct#:	
your DA	AB rep	Only DAB action is required Both DAB and Planning Commission actions Only Planning Commission action is required DAB, Planning Commission and City Council Only Zoning Administrator action is required	are required I actions are required Just a 64' high monoeucalyptus and associated	
PROJECT DESCRIPTION: A Development Plan to construct a 64' high monoeucalyptus and associated 280 square-foot equipment enclosure, on approximately 12.8 acres of land located at 2450 S. Vineyard Avenue, within the CC (Community Commercial) zoning district (APN: 0216-401-63).				
		n does adequately address the departmental No comments Report attached (1 copy and email 1 copy) Standard Conditions of Approval apply		
Th	ne pla	In does not adequately address the department The conditions contained in the attached represent Advisory Board.	ntal concerns. port must be met prior to scheduling for	

POULE DOMUS SORE MANYST 10/18/19
epartment Signature Title Bate



CITY OF ONTARIO

MEMORANDUM

Scott Murphy, Development Director TO: Cathy Wahlstrom, Planning Director Diane Ayala, Advanced Planning Division Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Ahmed Aly, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Aiport Planning

Steve Wilson, Engineering/NPDES

	Steve Wilson, Engineering/NFDES Joe De Sousa, Code Enforcement (Copy of memo only) Jimmy Chang, IT Department					
FROM:	Jeanie Irene Aguilo, Assistant Planne	r				
DATE:	DATE: October 02, 2018					
SUBJECT:	FILE #: PDEV18-032	Finance Acct#:				
The following your DAB re	ng project has been submitted for review. Pleas eport to the Planning Department by Tuesday ,	se send one (1) copy and email one (1) copy of October 16, 2018.				
Note:	Only DAB action is required					
	Both DAB and Planning Commission actions	are required				
	Only Planning Commission action is required					
	DAB, Planning Commission and City Council actions are required					
	Only Zoning Administrator action is required					
	PROJECT DESCRIPTION: A Development Plan to construct a 64' high monoeucalyptus and associated 280 square-foot equipment enclosure, on approximately 12.8 acres of land located at 2450 S. Vineyard Avenue, within the CC (Community Commercial) zoning district (APN: 0216-401-63).					
☐ The pla	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 pl	lan does not adequately address the departme	ntal concerns.				
	The conditions contained in the attached re Development Advisory Board.	port must be met prior to scheduling for				

Item E - 33 of 36

Sypenition



CITY OF ONTARIO MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner

Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: October 24, 2018

SUBJECT: PDEV18-032 – A Development Plan to construct a telecommunications facility

with a 64-FT high antenna (monopine) and associated 280 SF equipment enclosure on approximately 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district (APN: 0216-

401-63).

☐ The plan <u>does</u> adequately address the departmental concerns at this time.

 \boxtimes Report below.

CONDITIONS OF APPROVAL:

- 8. Hand-portable fire extinguishers are required to be installed <u>PRIOR</u> to occupancy. Contact the Bureau of Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at http://www.ci.ontario.ca.us/index.cfm/34762)
- 9. "No Parking/Fire Lane" signs and /or Red Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the 24-foot clear width requirement per Ontario Fire Department. Install per Ontario Fire Department Standards #B-001 and #B-004. (Available upon request from the Fire Department or on the internet at http://www.ci.ontario.ca.us/index.cfm/34762)
- 10. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Said numbers shall contrast with their background. (See Section 9-1 6.06 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-003 and #H-002.)

- 21. The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 28. The developer shall transmit a copy of these requirements to his on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the developer and fire protection designer obtain a copy of the Ontario Fire Department Fire Protection System Information Checklist to aid in system design. Development Advisory Board comments are to be included on the construction drawing.

ADDITIONAL COMMENTS:

If the equipment cabinets are to contain any stationary storage battery systems, said systems shall comply with section 608 of the 2016 California Fire Code

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PDEV18-032			Reviewed By:	
Address:	2450 South Vineyard Avenue			Lorena Mejia	
APN:	0216-401-63			Contact Info:	
Existing Land Commercial shopping center Use:				909-395-2276	
			_	Project Planner:	
Proposed Land Use:	Monoeucalypt	tus Wireless Facility		Jeanie Aguilo	
Site Acreage:	12.76 ac	Proposed Structure He	eight: 71 ft	Date: 12/7/18	
ONT-IAC Projec	t Review:	N/A		CD No.: 2018-065	
Airport Influence	Area:	ONT		PALU No.: n/a	
Ti	ne project	is impacted by the follo	wing ONT ALUCP Compa	tibility Zones:	
Safe	ty	Noise Impact	Airspace Protection	Overflight Notification	
Zone 1		75+ dB CNEL	High Terrain Zone	Avigation Easement Dedication	
Zone 1A		70 - 75 dB CNEL	FAA Notification Surfaces	Recorded Overflight Notification	
Zone 2		65 - 70 dB CNEL	Airspace Obstruction Surfaces	Real Estate Transaction	
Zone 3		60 - 65 dB CNEL	Airspace Avigation	Disclosure	
Zone 4			Easement Area		
Zone 5			Allowable Height: 200 ft +		
	The proj	ect is impacted by the fo	ollowing Chino ALUCP Sa	fety Zones:	
Zone 1		Zone 2 Zone 3	Zone 4 Zone	zone 6	
Allowable Heig	ght:				
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 applicant is required to file a FAA Form 7460-1 due to potential electronic interference to aircraft in flight and receive a determination of "No Hazard" from FAA prior to building permit issuance.					
Aim ant Dians as C	Lanen efficie				

Airport Planner Signature:



FILE NOS.: PMTT17-013 (TTM 20134), PMTT17-014 (TTM 20135), PMTT17-015 (TTM 20136) and PMTT17-016 (TTM 20137)

SUBJECT: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-013 (TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes; 2) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 3) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; 4) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 12 lettered lots for residential and private streets for a property located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan; (APN: 0218-161-01) **submitted by Richland Communities.**

PROPERTY OWNER: Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company

RECOMMENDED ACTION: That the Planning Commission consider and approve File Nos. PMTT17-013, PMTT17-014, PMTT17-015 and PMTT17-016, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 80.61 gross acres of land located at northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) of the Rich Haven Specific



Figure 1: Project Location

Case Planner:	Lorena Mejia
Planning Director Approval:	Colly
Submittal Date:	11/6/2017

Hearing Body	Date	Decision	Action
DAB	4/15/19	Approve	Recommend
PC	4/23/19		Final
CC			

Plan, and is depicted in Figure 1: Project Location. The project site was historically utilized for agricultural dairy purposes. The site has been cleared of any structures utilized for agricultural purposes and is presently vacant. The natural vegetation and soil conditions that once occurred throughout the project area have been significantly altered through agricultural uses, leaving little to no native vegetation. There is an existing 300 foot-wide SCE Easement located along the southern property line that contain a few (115kV) transmission towers that are 180 feet tall.

PROJECT ANALYSIS:

[1] <u>Background</u> — On December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. 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.

In 2010, The Ontario Plan (TOP) was adopted by City Council. TOP Policy Plan

(General Plan) Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations within certain areas of the Rich Haven Specific Plan. To bring the Rich Haven Specific Plan into conformance with TOP Policy Plan, an amendment to the Rich Haven Specific Plan (File No. PSPA16-001) was processed and approved by the Ontario City Council on March 15, 2016. The Amendment included updates to the Rich Haven Specific Plan Land Use Plan, the housing product types, exhibits and language to reflect the proposed land use changes and overall TOP Policy Plan consistency (see Figure 2: The Rich Haven Specific Plan Land Use Plan).

On February 20, 2018, the City Council approved an Amendment to the Rich Haven Specific Plan (File No. PSPA16-005) for the annexation of 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use district of the Rich Haven Specific Plan.

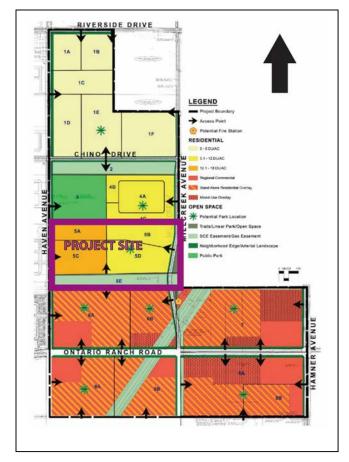


Figure 2: The Rich Haven Specific Plan Land
Use Plan

On April 15, 2019, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to the departmental conditions of approval included with this report. The proposed project's pertinent site and development statistics are listed in the Technical Appendix of this report.

[2] Tentative Tract Map ("A" Map) Subdivision — The proposed Tentative Tract Map File No. PMTT17-013 (TT20134) will subdivide 80.61 gross acres of land into 15 numbered lots and 15 lettered lots for residential, public/private streets, landscape neighborhood edges and common open space purposes (see Exhibit A: Tentative Tract Map 20134). PMTT17-013 will serve as the project's "A" Map, the initial map that will subdivide the parcel into smaller parcels to facilitate future land uses and backbone infrastructure improvements (major streets, sewer, water and storm drain facilities). The "A" Map will also facilitate subsequent tentative maps, referred to as "B" Maps, which will further subdivide the same parcel of land. The applicant has submitted three "B" Maps that are being processed concurrently with the "A" Map for the western half of the project site and are discussed further in the report. Additionally, a Development Agreement (File No. PDA18-005) has also been filed concurrently with the "A" Map to facilitate the infrastructure improvements to serve the site and will be completed in two phases. Phase 1, includes the western half of the site and facilitates the development of the three "B" Maps. Phase 2, will develop the eastern half of the site and require subsequent "B" Maps to be processed and approved.

The proposed "A" Map will primarily allow for residential land uses and accommodate three product types that include 8-Pack Clusters, Row Town Homes and Courtyard Town Homes totaling 678 units, which are discussed below:

• 8-Pack Cluster – The 8-Pack Cluster homes (see *Figure 3 below*) are concentrated along the center and northern portion of the project site and include lots 2, 3, 6, 7, 10 and 15, for a total of 196 units;



Figure 3: 8-Pack Cluster Product (Typical Plotting & Elevation)

• Row Town Homes – The Row Town Homes (see *Figure 4 below*) are located along the southern portion of the project site, adjacent to the SCE Edison Easement and include lots 4, 8, 9,13 and 14, for a total of 242 units; and



Figure 4: Row Town Homes (Typical Plotting & Elevation)

• Court Town Homes – The Court Town Homes (see *Figure 5 below*) are located along Haven Avenue and Mill Creek Avenue street frontages, and include lots 1, 5, 11 and 12, for a total of 240 units.



Figure 5: Court Town Homes (Typical Elevation & Plotting)

The proposed 15 lettered lots will accommodate five parks (Lots A, B, C, D and E), the 300-foot wide SCE Easement and trail (Lots H, G and F), drive aisles/parking (Lot M), and neighborhood edges (Lots J, I North, I South, K, L North and L South).

- [3] <u>Tentative Tract Map ("B" Maps) Subdivision</u> As previously discussed, the applicant has submitted three "B" Maps (File Nos. PMTT17-014 (TT 20135), PMTT17-015 (TT 20136) and PMTT17-016 (TT 20137)) concurrently with the "A" Map which are described further below:
 - PMTT17-014 (TT 20135) The proposed "B" Map (PMTT17-014) will further subdivide Lots 1 and 5 of the "A" Map (PMTT17-013). PMTT17-014 proposes to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential, private streets and condominium purposes and allow for the development of the Court Town Homes (see Exhibit B: Tentative Tract Map 20135). The 12-unit Court Town Homes will be located along Haven Avenue (see Figure 6, outlined in red below) and total 120 residential units. The Rich Haven Specific Plan requires Court Town Homes to maintain a minimum unit size of 1,800 square feet, with up to 16 units per building, however a minimum lot size is not specified for this product type. The 10 numbered lots sizes range from 19,981 to 23,023 square feet. The 13 lettered lots will facilitate the tract's alleys, drive aisles, and off-street parking requirements.



Figure 6: PMTT17-014 Project Site

• PMTT17-015 (TT 20136) – The proposed "B" Map (PMTT17-015) will further subdivide Lots 2 and 3 of the "A" Map (PMTT17-013). PMTT17-015 proposes to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets, and landscape neighborhood edges (see Exhibit C: Tentative Tract Map 20136). The map will allow for the development of the 8-Pack Clusters that are located near the northwest corner of the project site, adjacent to the Court Town Homes (see Figure 7, outlined in red). PMTT17-015 will create a total 100 units with lot sizes ranging from 2,700 to 4,459 square feet. The proposed lot sizes meet the 2,000 square foot minimum requirements of the Rich Haven Specific Plan. The proposed 20 lettered lots will facilitate the alleys, drive aisles, and open space requirements.



Figure 7: PMTT17-015 Project Site

• PMTT17-016 (TT 20137) – The proposed "B" Map (PMTT17-016) will further subdivide Lots 4, 8 and 9 of the "A" Map (PMTT17-013). PMTT17-016 proposes to subdivide 9.10 gross acres of land into 18 numbered lots and 12 lettered lots for residential, alleys, drive aisles and parking (see Exhibit D: Tentative Tract Map 20137). The map will allow for the development of Row Town Homes that are located near the southwest corner of the project site, north of the SCE Easement and trail (see Figure 8, outlined in red below). PMTT17-016 will create 162 residential units, with lot sizes ranging from 11,296 to 26,755 square feet. The Rich Haven Specific Plan requires Row Town Homes to maintain a minimum unit size of 1,800 square feet and minimum lot sizes are not specified for this product type.



Figure 8: PMTT17-016 Project Site

File Nos.: PMTT17-013, PMTT17-014, PMTT17-015 and PMTT17-016

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- [4] Density The proposed "A" Map Tentative Tract Map (PMTT17-013) will establish a total of 678 residential units and provides an overall project density of 11.8 dwelling units per acre. TOP's (Policy Plan) land use designation is (MDR) Medium Density Residential (11.1 to 25 DU/AC) and the proposed "A" Map falls within the allowable density range. The Rich Haven Specific Plan designates the western half of the Map as Planning Areas 5A and 5C (12.1 to 18 DU/AC) and the Map provides a density of 12.1 dwelling units per acre, which is consistent with the Specific Plan. The eastern half of the site is within Planning Areas 5B and 5D (5.1 to12 DU/AC) and the Map provides 11.5 dwelling units per acre, which is consistent with the Specific Plan.
- [5] <u>Site Access/Circulation</u> The project site will have one access point from Haven Avenue, which runs north and south along the western frontage of the site, and one access point from Mill Creek Avenue, which runs north and south along the eastern frontage of the site. The Tentative Tract Map will also construct the interior tract streets and private lanes that will provide access to future residential developments north and south of the project site. The tract map is consistent with TOP Policy CD2-2 that promotes the importance of neighborhood connectivity through local street patterns and neighborhood edges as a way to unify neighborhoods.
- [6] Parking A parking plan was completed for the proposed Tract Map to demonstrate there is sufficient parking throughout the project site (see *Exhibit E: Parking Plan*). The Tract Map's proposed product types would require a total of 1,588 parking spaces, in which 1,316 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 2,368 spaces will be provided, exceeding the minimum requirements by 780 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.4 parking spaces per unit, which should be more than adequate to accommodate both resident and visitor parking. As the proposed tract develops, parking will continue to be analyzed for each product type as part of the Development Plan entitlement process.
- [7] Open Space The Tentative Tract Map will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 4.7 acres of parkland to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing a central neighborhood park comprised of two parcels totaling 2.05 acres, a 1.26 acre secondary neighborhood park located within the eastern half of the site, a 0.64 acre pocket park on the western half of the site, and a 1.00 acre dog park located along the eastern property line, totaling 4.95 acres, which exceeds the minimum park requirements (see *Exhibit F: Park and Open Space Summary*). The pedestrian circulation system provides connectivity to the parks, residential neighborhoods, the SCE Edison trail that runs east-west along the southern boundary of the project site, an 8-foot wide multi-purpose trail that runs north-south adjacent to Mill Creek Avenue, and connectivity to the surrounding communities. Future park designs and amenities will be

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addressed as part of the Development Plan entitlement process that will require consistency with Rich Haven Specific Plan.

[8] <u>CC&R's</u> — As a Condition of Approval, staff will require that CC&R's be prepared and recorded with each final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities.

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

[1] City Council Goals.

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

Drains and Public Facilities)

■ Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] <u>Vision</u>.

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

[4] Policy Plan (General Plan)

Land Use Element:

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

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
- ➤ <u>H2-4 New Model Colony</u>. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
- ➤ <u>H2-5 Housing Design</u>. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.
- ➤ <u>H5-2 Family Housing</u>. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-6 Diversity of Housing</u>. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
- ➤ <u>S1-1 Implementation of Regulations and Standards</u>. 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:

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

- ➤ <u>CD1-1 City Identity</u>. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- ➤ <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:
- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-2 Neighborhood Design</u>. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-8 Safe Design</u>. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- ➤ <u>CD2-9 Landscape Design</u>. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- ➤ <u>CD2-10 Surface Parking Areas</u>. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- ➤ <u>CD2-11 Entry Statements</u>. 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.
- ➤ <u>CD2-13 Entitlement Process</u>. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.
- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- ➤ <u>CD3-1 Design</u>. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- ➤ <u>CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas.</u> We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- ➤ <u>CD3-5 Paving</u>. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- ➤ <u>CD3-6 Landscaping</u>. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

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➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant/SCE Transmission Line Corridor	(MDR) Medium Density Residential (11.1 – 25 DU/AC) & (OS-NR) Open Space – Non Recreation	Rich Haven Specific Plan	Planning Areas – (Small Lot SFD) 5A & 5C (12.1 – 18 DU/AC) Planning Areas – (Small Lot SFD) 5B & 5D (5.1 – 12 DU/AC) Planning Area 5E (SCE Easement)
North	Vacant	(OS) Open Space – Parkland & (LMDR) Low Medium Density Residential (5.1 – 11 DU/AC)	Rich Haven Specific Plan	Planning Areas – (Small Lot SFD) 4C (5.1 -12 DU/AC) & Planning Area 3 (Park)
South	Vacant/ Mass Graded	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 6A & 6B (Mixed-Use Stand Alone Residential Overlay)
East	SCE Substation	Business Park	Specific Plan (Agricultural Overlay)	N/A
West	Residential Subdivision	(LDR) Low Density Residential (2.1 – 5 DU/AC) & (PS) Public School	West Haven Specific Plan	Planning Area 8 – Residential (4,250 SF Lots)

Tentative Tract Summary

Item	TT20081	Meets Rich Haven Specific Plan Requirements
Total Area Gross (AC)	80.61	N/A
Total Area Net (AC)	66.42	N/A
Cluster Min. Lot Size (Sq. Ft.)	2,700	Yes
Cluster Max. Lot Size (Sq. Ft.)	4,459	Yes
Court Town Home Min. Lot Size (SF)	19,981	Yes
Court Town Home Max. Lot Size (SF)	23,023	Yes
Row Town Home Min. Lot Size (SF)	11,296	Yes
Row Town Home Max. Lot Size (SF)	26,755	Yes
Gross Density (du/net ac)	11.8	Yes

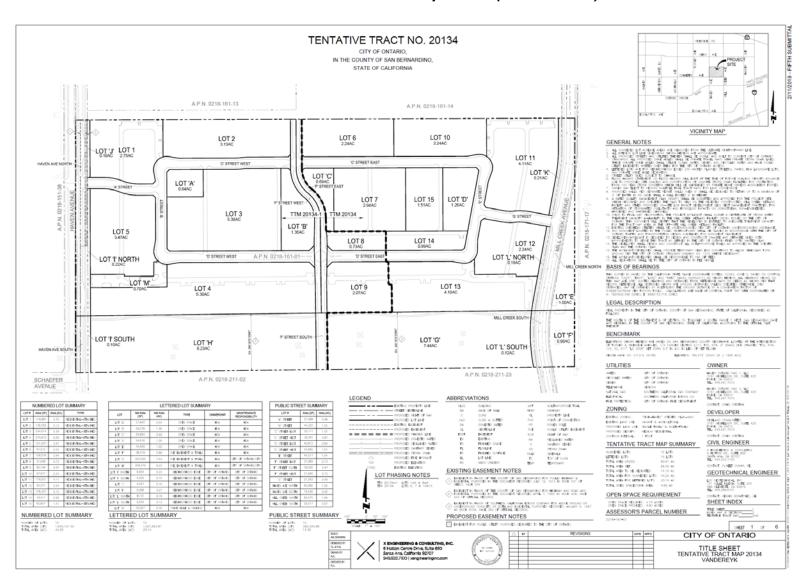


Exhibit A: Tentative Tract Map 20134 (PMTT17-013)

TENTATIVE TRACT NO. 20135 FOR CONDOMINIUM PURPOSES CITY OF ONTARIO, IN THE COUNTY OF SAN BERNARDING. STATE OF CALIFORNIA A.P.N. 0218-161-13 A.P.N. 0218-161-14 VICINITY MAP 1013 1011 The control of the co NUMBERED LOT SUMMAR LOTA properties which is related to belong the properties of contract owners and provide data only interproperties the tract at the properties of the provide all the contract and provide all the properties of the properties of the properties of the provide all the properties of the prop THE STATE OF THE PROPERTY OF THE STATE OF TH NUMBERED LOT SUMMARY BASIS OF BEARINGS He some is only to the Authors that their controll relies upon the a control control them have the second controller and the co LEGAL DESCRIPTION THE SOURCE OF THE SOUTHERF IS OF SECTION SOUTHERN SOUTH SHOULD SEE THE SECTION OF THE SOUTHERN SOUTHER THEFT THE STREET THE A COTTO THEFT HAD Lote DESCRIPTION RECEIVED AND RECEIVED ON AN EXEMPTION COURT PERSONNEL LICENSE AND RECEIVED AND REVENUE AND AN ARROWS ASSESSED AND THE RESEARCH THE PROPERTY AND ARROWS ASSESSED ASSESSED. CONTROL
CONTRO 1017 ASSESSOR'S PARCEL NUMBER OWNER HOST DESIGN OF THE CO COURCE COME CHEMIC DEVELOPER TENTATIVE TRACT MAP SUMMARY CIVIL ENGINEER 60' LOCAL ROAD-TYPICAL SECTION EXISTING EASEMENT NOTES GEOTECHNICAL ENGINEER BOOK WIT NAME Cof gramman STATE OF THE REAL PROPERTY. SHEET INDEX PROPOSED EASEMENT NOTES CH-40 10 BC OF OF SERVICES Description of the second seco CITY OF ONTARIO x Engineering a consulting, Inc. 6 Huton Centre Drive, Suite 650 Santa Ana, California 92707 949,522,7100 | xengineeringinc.com TITLE SHEET TENTATIVE TRACT MAP 20135 VANDEREYK HAVEN AVENUE-TYPICAL SECTION

Exhibit B: Tentative Tract Map 20135 (PMTT17-014)

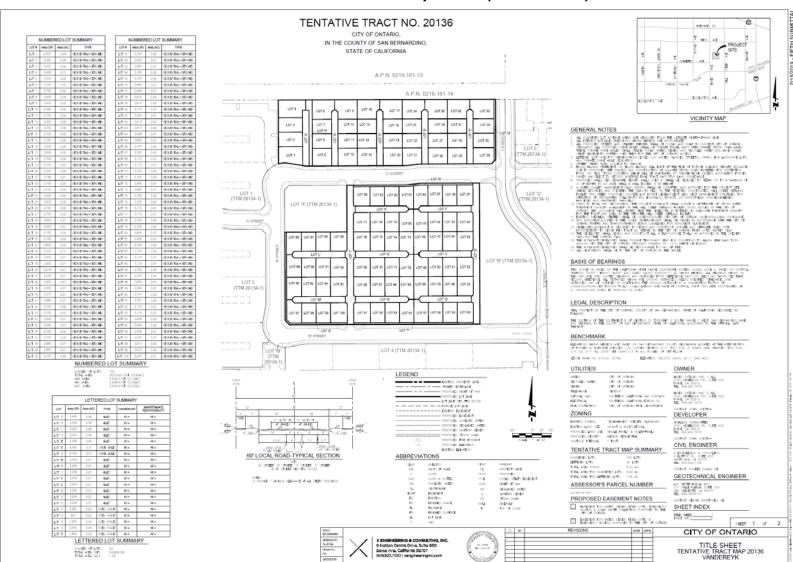


Exhibit C: Tentative Tract Map 20136 (PMTT17-015)

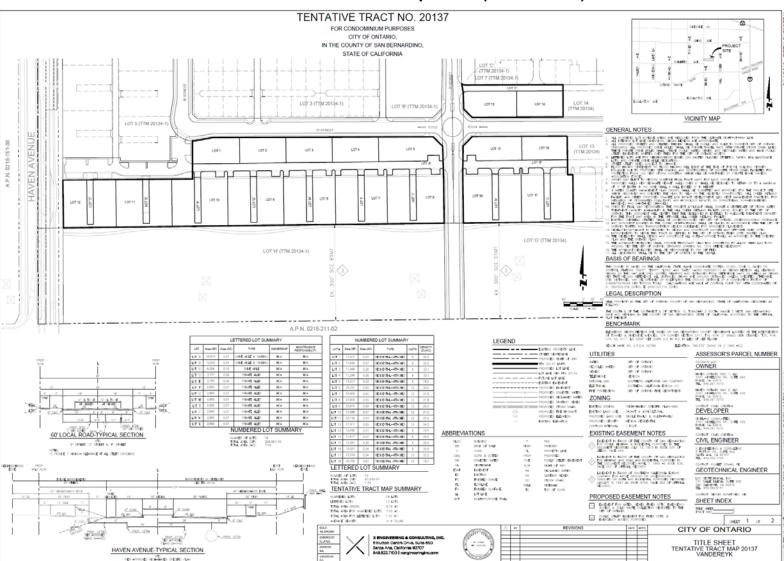
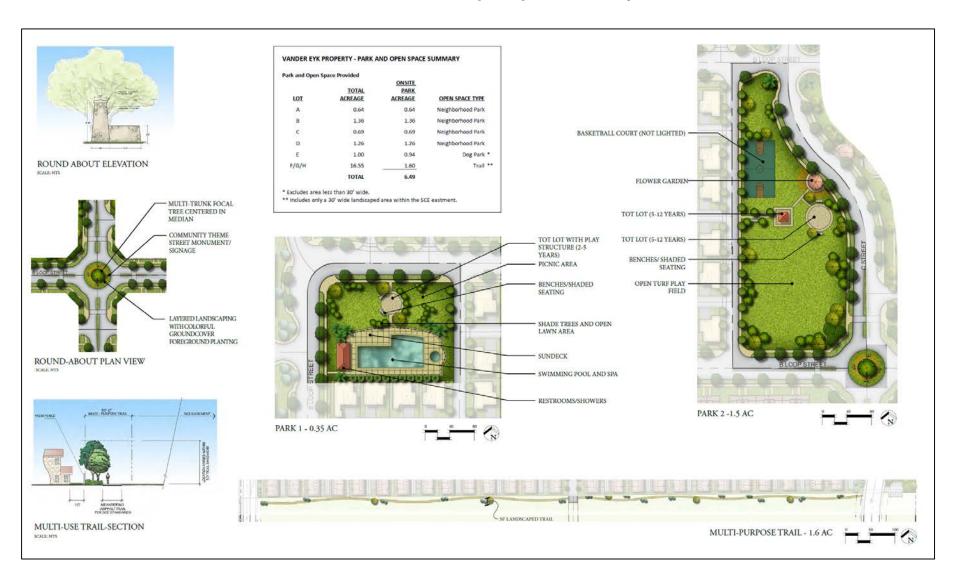


Exhibit D: Tentative Tract Map 20137 (PMTT17-016)

Exhibit E: Parking Plan



Exhibit F: Park and Open Space Summary



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-013, A TENTATIVE TRACT MAP TO SUBDIVIDE 80.61 ACRES OF LAND INTO 15 NUMBERED LOTS AND 15 LETTERED LOTS FOR RESIDENTIAL LAND USES, PUBLIC/PRIVATE STREETS, LANDSCAPE NEIGHBORHOOD EDGES AND COMMON OPEN SPACE PURPOSES FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREAS 5A, 5B, 5C, 5D AND 5E (RESIDENTIAL – SMALL LOT SFD & SCE EASEMENT) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-01.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT17-013, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 80.61 acres of land generally located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4C (Small Lot SFD) and 3 (Park) of the Rich Haven Specific Plan, and is presently vacant. The property to the east is within the Specific Plan (Agricultural Overlay) zoning district, and is developed with an SCE Substation. The property to the south is within the within the Mixed Use District Planning Areas 6A and 6B of the Rich Haven Specific Plan, and is presently mass graded and vacant. The property to the west is within Planning Area 8 – Residential (4,250 SF Lots) of the West Haven Specific Plan, and is developed with residential subdivision; and

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

WHEREAS, the proposed Tentative Tract Map File No. PMTT17-013 (TT20134) will subdivide 80.61 gross acres of land into 15 numbered lots and 15 lettered lots for residential, public/private streets, landscape neighborhood edges and common open space purposes; and

WHEREAS, PMTT17-013 will serve as the project's "A" Map, the initial map that will subdivide the parcel into smaller parcels to facilitate future land uses and backbone

infrastructure improvements (major streets, sewer, water and storm drain facilities). The "A" Map will also facilitate subsequent tentative maps, referred to as "B" Maps, which will further subdivide the same parcel of land; and

WHEREAS, the applicant has submitted three "B" Maps (File No's. PMTT17-014 (TT 20135), PMTT17-015 (TT 20136) and PMTT17-016 (TT 20137)) that are being processed concurrently with the "A" Map for the western half of the project site; and

WHEREAS, a Development Agreement (File No. PDA18-005) has been filed concurrently with the "A" Map to facilitate infrastructure improvements that will serve the site to be completed in two phases. Phase 1, includes the western half of the site and facilitates the development of the three concurrent proposed "B" Maps. Phase 2, will develop the eastern half of the site and require subsequent "B" Maps to be processed and approved; and

WHEREAS, the proposed "A" Map will primarily allow for residential land uses and accommodate three product types that include 8-Pack Clusters, Row Town Homes and Courtyard Town Homes totaling 678 units; and

WHEREAS, 8-Pack Cluster homes are concentrated along the center and northern portion of the project site and include lots 2, 3, 6, 7, 10 and 15, for a total of 196 units; and

WHEREAS, the Row Town Homes will be located along the southern portion of the project site, adjacent to the SCE Edison Easement and include lots 4, 8, 9,13 and 14, for a total of 242 units; and

WHEREAS, Court Town Homes will be located along Haven Avenue and Mill Creek Avenue street frontages, and include lots 1, 5, 11 and 12, for a total of 240 units; and

WHEREAS, the proposed 15 lettered lots will accommodate five parks (Lots A, B, C, D and E), the 300-foot wide SCE Easement and trail (Lots H, G and F), drive aisles/parking (Lot M), and neighborhood edges (Lots J, I North, I South, K, L North and L South); and

WHEREAS, the proposed "A" Map will establish a total of 678 residential units and provides an overall project density of 11.8 dwelling units per acre; and

WHEREAS, the project site will have one access point from Haven Avenue, which runs north and south along the western frontage of the site, and one access point from Mill Creek Avenue, which runs north and south along the eastern frontage of the site. The

Map will also construct the interior tract streets and private lanes that will provide access to future residential developments north and south of the project site; and

WHEREAS, a parking plan was completed and demonstrates there is sufficient parking throughout the project site. The "A" Map's proposed product types would require a total of 1,588 parking spaces, in which 1,316 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 2,368 spaces will be provided, exceeding the minimum requirements by 780 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.4 parking spaces per unit; and

WHEREAS, the Tentative Tract Map will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 4.7 acres of parkland. To satisfy the park requirement, the applicant is constructing a central neighborhood park comprised of two parcels totaling 2.05 acres, a 1.26 acre secondary neighborhood park located within the eastern half of the site, a 0.64 acre pocket park on the western half of the site, and a 1.00 acre dog park located along the eastern property line, totaling 4.95 acres; and

WHEREAS, CC&R's are required to be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the ongoing maintenance of the common areas and facilities; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-007, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and Addendums and supporting documentation. Based upon the facts and information contained in the previous Certified

EIR and Addendums and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously analyzed in an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.
- <u>SECTION 2</u>: **Subsequent or Supplemental Environmental Review Not Required.** Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:
- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or

- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: **Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

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

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

- The proposed Tentative Tract Map is consistent with the goals, (1) policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and **specific plans, and planned unit developments.** The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space – Non-Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A, 5B, 5C, 5D and 5E (Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 Complete Community).
- (2) The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space – Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A, 5B, 5C, 5D and 5E (Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
 - Traffic calming measures to slow traffic and promote walkability while

maintaining acceptable fire protection and traffic flows;

- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb." (Policy CD2-2 Neighborhood Design).
- (3) The site is physically suitable for the type of development proposed. The project site meets the minimum lot area and dimensions of Planning Areas 5A, 5B, 5C, 5D and 5E (Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.
- (4) The site is physically suitable for the density/intensity of development proposed. The project site is proposed for residential development at a density of 11.8 DUs/acre. The project site meets the minimum lot area and dimensions of the Rich Haven Specific Plan, and is physically suitable for this proposed density/intensity of development.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.
- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the related residential infrastructure improvements proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.
- (7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has

provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<u>SECTION 6</u>: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

<u>SECTION 8</u>: **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.

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

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The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar
Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution File No. PMTT17-013 April 23, 2019 Page 11 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019, by the following roll call vote, to wit: AYES: NOES: ABSENT: ABSTAIN: Gwen Berendsen Secretary Pro Tempore

Planning Commission Resolution File No. PMTT17-013 April 23, 2019 Page 12

ATTACHMENT A:

File No. PMTT17-013 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PMTT17-013 (TT20134)

Related Files: PMTT17-014, PMTT17-015 and PMTT17-016

Project Description: A Tentative Tract Map (File No. PMTT17-013) to subdivide 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential, public/private streets, landscape neighborhood edges and common open space purposes for a property located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan; (APN: 0218-161-01) **submitted by Richland Communities.**

Prepared By: Lorena Mejia, Senior Planner

<u>Phone</u>: 909.395.2276 (direct) <u>Email</u>: Imejia@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

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

2.2 Subdivision Map.

- (a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(b)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-013

Page 2 of 4

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

2.3 <u>Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance</u> Agreements.

- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- **(g)** A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.4 <u>Disclosure Statements</u>.

- (a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:
- (i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.
- (ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.
- (iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-013

Page 3 of 4

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

2.5 Environmental Review.

- (a) The environmental impacts of this project were previously reviewed in conjunction with an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- **(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- **2.6** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 Additional Fees.

- (a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.8 Additional Requirements.

- (a) All applicable conditions of approval of Development Agreement (File No. PDA18-005) shall apply to this tract.
- **(b)** All applicable conditions of approval of the Rich Haven Specific Plan shall apply to this tract.
 - (c) Off-Site Subdivision Signs.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-013

Page 4 of 4

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

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PMTT17-013(TTM	M 20134), 014(TTM 20135), 015(TT	ГМ 20136) & 016(ТТМ 20137)	Reviewed By:	
Address:	Northeast corner o	f Schaefer Avenue & Haven Avenue	e	Lorena Mejia	
APN:	0218-161-01			Contact Info:	
Existing Land Use:	Vacant			909-395-2276	
Proposed Land Use:		Map (A Map) to subdivide 80.61 acluding subsequent B Maps for reside		Project Planner: Lorena Mejia	
Site Acreage:	80.61	Proposed Structure Heigh	aht: N/A	Date: 12/12/17	
ONT-IAC Projec		<u> </u>		CD No.: 2017-085	
Airport Influence				PALU No.: n/a	
•			: ONT ALLICE C	.91.919. 7	
II	ne project is	impacted by the follow	ring ONT ALUCP Compa	itibility Lones:	
Safe	ty	Noise Impact	Airspace Protection	Overflight Notification	
Zone 1 Zone 1A Zone 2 Zone 3 Zone 4 Zone 5 Zone 1 Allowable Heigh	Zone		High Terrain Zone FAA Notification Surfaces Airspace Obstruction Surfaces Airspace Avigation Easement Area Allowable Height: 200 ft + Iowing Chino ALUCP Sar		
		CONSIGNATION	A DETERMINATION		
		CONSISTENCY	DETERMINATION		
This proposed Pro	oject is: Exen	npt from the ALUCP Con	sistent • Consistent with Cor	nditions Inconsistent	
evaluated and for ONT.	found to be cons	*	Area of Ontario International A iteria of the Airport Land Use C	1 \	
Airport Planner S	Signature:	Lanur	Myre		

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2017-085
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia

FROM: BUILDING DEPARTMENT, Kevin Shear

DATE: November 14, 2017

SUBJECT: PMTT17-013

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

KS:Im



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER		EL MAP NOTRA	1
PROJECT F	ILE NO. TM	20134/PMTT17-013 (A-N	/IAP)
RELATED	FILE NO(S).		
☐ ORIO	SINAL 🛛 R	REVISED: 04/15/2019	
CITY PROJECT ENGINEER &	PHONE NO:	Naiim Khoury, Associa	te Engineer M
CITY PROJECT PLANNER &	PHONE NO:	(909) 395-2152 Lorena Mejia, Senior Pla (909) 395-2429	nner
DAB MEETING DATE:		April 15, 2019	
PROJECT NAME / DESCRIPT	ION:	TM-20134, a Tentative T subdivide 80.61 acres of 15 numbered and 15 l	of land into
LOCATION:		within Rich Haven SP Northeast corner of Ha	ven Avenue
APPLICANT:		and Schaefer Avenue Richland Communities.	
REVIEWED BY:		Bryan Lirley, P.E. Principal Engineer	4/16/19 Date
APPROVED BY:		Raymond Lee P.E. Assistant City Engineer	4/16/19 Date

Last Revised: 4/16/2019



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

1.	PRIC	OR TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check When Complete	
\boxtimes	1.01	Dedicate to the City of Ontario in fee simple the right-of-way, described below:	
		 a) Haven Avenue to the half ultimate right-of-way width of 62 feet from street centerline along tract frontage. The full ultimate ROW width for Have Avenue is 124 ft. 	
		b) Mill Creek Avenue to the full ultimate right-of-way width of 83 feet along tract frontage.	
		c) Streets A, B, C, D, E, F and G to the full ultimate right-of-way width of 60 feet.	
		d) Property line corner cut-back at all street intersections within the tract boundaries to the satisfaction of the City Engineer.	
		e) 14 feet for Lettered Lots "I North", "I South" and "J" along the east side of Haven Avenue to achieve an overall Neighborhood Edge of 40 feet.	
		f) 18 feet for Lettered Lots "K", "L North" and "L South" along the west side Mill Creek Avenue to achieve an overall Neighborhood Edge of 30 feet.	
\boxtimes	1.02	Dedicate to the City of Ontario, the following easement(s):	
		a) Blanket public utility easement (PUE) across Drive Aisle "Lot M", for public utility purposes (fiber optic, storm drain, sewer and water). All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		b) A minimum of 32-foot wide public utility easement (PUE) in the proposed drive aisle located on Lot 13 between Mill Creek Avenue and "D" Street for storm drain, water, sewer, fiber optic, emergency access and solid waste collection purposes. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
	1.03	Restrict vehicular access to the site as follows:	
	1.04	Vacate the following street(s) and/or easement(s):	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	
	1.06	Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	
		Also, the CC&R document shall include the following provisions:	



- a) Common Use and Private Utilities: Identify all common use/private utility systems and solid waste collection facilities and detail the Operations and Maintenance of these facilities.
- b) Repair of Private Pavement: In the event that private pavement replacement is needed due to the repair of any public utilities within PUEs, the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).
- c) Solid Waste Collections: The Solid Waste Handling Plan, shall be included in the CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan.
- d) The developer/applicant shall prepare and provide a Home Buyer Disclosure exhibit to each lot that shows the individual lot and the location that is designated for its Solid Waste Collection.

		Waste Collection.	
	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=T100000004658 .	
	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
\boxtimes	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) 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.	
\boxtimes	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.	
\boxtimes	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) F Storm	Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Water Treatment Equivalents).	
		⊠ 3) F Availat	Provide evidence of sufficient water availability equivalents (Certificate of Net MDD bility).	
\boxtimes	1.14	Other o	conditions:	
		a)	Reserve private easement for pedestrian access on all residential lots that are located adjacent to driveways in the drive aisles to accommodate for meandering sidewalk and ADA compliance, as required.	
		b)	The developer shall obtain all the necessary right-of-ways/PUE to construct the required public improvements beyond the tract limits that are identified in section 2.	
		c)	The PUE's surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.	
		d)	All drive aisles and alley ways shown on this map are private and shall be maintained by the HOA.	
		e)	The public and private improvements constructed within this tentative tract map shall be maintained through the combination of public and private entities as described in Section 8.5 and Table 8-4, "Maintenance Responsibilities" of Rich Haven Specific Plan.	
		f)	The applicant/developer shall provide notarized letter from the adjacent property owners (Brookfield Residential and Southern California Edison) for right of entry and grading operations.	
2.	PRIC	R TO IS	SSUANCE OF ANY PERMITS, APPLICANT SHALL:	
	A. GE	NERAL nits includ	des Grading, Building, Demolition and Encroachment)	
\boxtimes	A. GE	nits includ		
⊠ ⊠	A. GE (Perm	Record City of (des Grading, Building, Demolition and Encroachment) Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the	
	A. GE (Perm 2.01	Record City of (des Grading, Building, Demolition and Encroachment) Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the Ontario Municipal Code.	
	A. GE (Perm 2.01 2.02	Record City of (Submit Note that per Note that Certifica	des Grading, Building, Demolition and Encroachment) Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the Ontario Municipal Code. a duplicate photo mylar of the recorded map to the City Engineer's office.	
	A. GE (Perm 2.01 2.02 2.03	Record City of C Submit Note that per Note that Certificate parcel pro-	Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the Ontario Municipal Code. a duplicate photo mylar of the recorded map to the City Engineer's office. It the subject parcel is a recognized parcel in the City of Ontario at the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a te of Compliance to be processed unless a deed is provided confirming the existence of the	
	A. GE (Perm 2.01 2.02 2.03 2.04	Record City of C Submit Note that per Note that Certificate parcel processing the control of the control o	Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the Ontario Municipal Code. a duplicate photo mylar of the recorded map to the City Engineer's office. It the subject parcel is a recognized parcel in the City of Ontario at the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a te of Compliance to be processed unless a deed is provided confirming the existence of the ior to the date of	
	A. GE (Perm 2.01 2.02 2.03 2.04	Record City of C Submit Note that per Note that Certificate parcel produced project, afor record facilities,	Tract Map No. 20134 pursuant to the Subdivision Map Act and in accordance with the Ontario Municipal Code. a duplicate photo mylar of the recorded map to the City Engineer's office. It the subject parcel is a recognized parcel in the City of Ontario at the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a te of Compliance to be processed unless a deed is provided confirming the existence of the rior to the date of Ta: Certificate of Compliance with a Record of Survey; Lot Line Adjustment	

Date: April 15, 2019



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. 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) igwedge Other: Southern California Edison for any work encroaching into their easement(s)/property. Dedicate to the City of Ontario the right-of-way described below: 2.10 feet on Property line corner 'cut-back' required at the intersection of 2.11 Dedicate to the City of Ontario the following easement(s): 2.12 New Model Colony (NMC) Developments: X 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. No ground water shall be used for grading, construction, or other purposes without expressed authorization from the City through a "Well Water Use Agreement" between the City and the Developer/applicant. 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. The maximum allowable delta elevation at the property line between finish elevation and existing ground of adjacent property shall be 3 feet. It is the applicant/developer's responsibility to obtain temporary easements from the adjacent properties owners for any work beyond this tract boundaries. 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at _____% of the approved construction cost estimate. Security

deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible

requirements under California Civil Code Section 1102 et seq. This may include notifications in the

Project File No. TM20134/PMTT17-013 Project Engineer: Naiim Khoury Date: April 15, 2019



		for release, in accordance with City procedure, upon completion and acceptance of said public improvements.	
\boxtimes	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.	
\boxtimes	2.15	Pay all Development Impact Fees (DIF) to the Building Department.	
	2.16	Other conditions:	



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

Improvement	Haven Avenue	Mill Creek Avenue	Internal Public Streets (A-G)	PUE in Private Drive Aisles and Alleys
Curb and Gutter	New; 36 ft. from C/L east along property frontage plus extending to the nearest existing C&G location at Schaefer Avenue Replace damaged Remove and replace	New; 32 ft. from C/L on both sides along property frontage Replace damaged Remove and replace	New; 18 ft. from C/L on both sides Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace
AC Pavement	New to gutter line along frontage, including pavm't Transitions plus raised median and 14' southbound lane and 5' graded shoulder Widen additional feet along frontage, including pavm't transitions	New to gutter line along frontage, including pavm't transitions New one (1) lane in each directions including pavm't Transitions between tract limit and Ontario Ranch Road	New to gutter line along frontage, including pavm't transitions Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach	New Remove and replace replace	New Remove and replace replace	New Remove and replace replace	New Remove and replace replace

replace

replace



Sidewalk	New along property frontage plus extending to the nearest existing sidewalk location at Schaefer Avenue	New along property frontage Remove and replace	New Remove and replace	New Remove and replace
ADA Access Ramp	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Parkway	Trees Landscaping (w/irrigation) along property frontage plus extending to the nearest existing landscape at Schaefer Avenue	Trees Landscaping (w/irrigation) along property frontage	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)
Raised Landscaped Median	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Fire Hydrant	New Relocation	New Relocation	New Relocation	New Relocation
Sewer (see Sec. 2.C)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Water (see Sec. 2.D)	Main Service	Main Service	Main Service	Main Service
Recycled Water (see Sec. 2.E)	Main Service	Main Service	⊠ Main ⊠ Service	Main Service
Traffic Signal System (see Sec. 2.F)	New at "A" Street Modify existing	New at "G" Street Modify existing	New Modify existing	New Modify existing
Traffic Signing and Striping (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing

Date: April 15, 2019



Street Light (see Sec. 2.F)	New Relocation	New Relocation	New Relocation	New / Upgrade Relocation
Bus Stop Turn- out (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Storm Drain (see Sec. 2G)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Fiber Optics (see Sec. 2K)	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances
Overhead Utilities	Underground Relocate	Underground Relocate	Underground Relocate	Underground Relocate
Removal of Improvements				
Other Improvements				

Specific notes for improvements listed in Section 2:

- Final Utility Systems Map (USM): The Tract Map shall follow the TTM20134 USM, dated 02/26/2019, and any deviation from this plan shall require the USM to be updated and resubmitted to OMUC for review and approval. A Final USM shall be submitted for review and approval with the Potable Water, Recycled Water, and Sewer Improvement Plans.
- b) The applicant/developer shall be responsible to obtain the necessary easements or right-of-way in order to construct the required public improvements that extends beyond the tract limits.
- c) Any City of Ontario public utilities that will not be installed within the public right-ofway, shall be installed within dedicated Public Utility Easement (PUE).
- d) the PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures;
- e) The PUE surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.

Phase 1 Improvements(See Sec. 2.F for additional details):

- The applicant/developer shall be responsible to design and construct full in-tract public improvements.
- g) The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows: Haven Avenue (124' R/W, 72' C/C, 16' Median), including the 14 feet southbound lane and 5-foot graded shoulder. These improvements shall include but not limited to the following: concrete curb and



gutter, sidewalk, parkway landscaping, neighborhood edge, multi-purpose trail entrance, fiber optic system, LED street lights, pavement, utilities, signing and striping and pavement transitions as needed to accommodate lane shifts between northerly and southerly tract limits.

- h) The applicant/developer shall be responsible to design, construct and complete the Mill Creek Avenue street improvements as described in the Development Agreement. The Mill Creek Avenue street improvements shall be commenced prior to, and as a condition precedent to applicant/developer requesting the issuance of the 251st Production Permit for Phase 1 Unit in the event a secondary point of access has not been constructed and completed by Brookfield through Tract 20081 to Ontario Ranch Road, and such Mill Creek Avenue improvements shall be designed and constructed in a manner acceptable to the City Engineer which shall consist of two lanes (one lane in each directions plus 5-foot graded shoulders) between the Project entry at Street "G" and the existing intersection at Ontario Ranch Road. Note: If Mill Creek Avenue to be improved with permanent asphalt pavement for the secondary point of access mentioned above, the improvements shall include but not limited to the following: one (1) lane in each directions plus 5-foot graded shoulders, 15-inch sewer main, 84-inch storm drain main, any underground utilities that is proposed to be located under the street pavement, signing and striping and appropriate pavement transitions as needed to accommodate lane shifts plus various sizes of storm drain mains in Mill Creek Avenue from Ontario Ranch Road to Bellegrave Avenue and connect to the County Channel per the Master Plan of Drainage.
- i) The SCE easement corridor shall be improved in accordance with the Rich Haven Specific Plan including but not limited to the following: multi-purpose trail (MPT), enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.

Phase 2 Improvements (See Sec. 2.F for additional details):

- j) The applicant/developer shall be responsible to design and construct full in-tract public improvements.
- k) The Street Improvements in Mill Creek avenue as specified in the Development Agreement, shall be completed prior to, and as a condition precedent to applicant/developer requesting the issuance of the first Production Permit for the Phase 2 Units.
- Install a minimum 15-inch sewer main in Mill Creek Avenue connecting from the existing 24-inch sewer main at Bellegrave Avenue running north to the Northern Tract-20134 Boundary.
- m) The applicant/developer shall be responsible to design and construct a new traffic signal the intersection of Mill Creek Avenue and "G" Street.
- n) The SCE easement corridor shall be improved in accordance with the Rich Haven Specific Plan including but not limited to the following: multi-purpose trail (MPT), enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.

	enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.	
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.	

Project File No. TM20134/PMTT17-013 Project Engineer: Naiim Khoury Date: April 15, 2019



\boxtimes	2.21	Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).	
	2.22	Other conditions:	
	C. SE	WER	
	2.23	A 21-inch sewer main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: S15987-15997). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately feet away.	
	2.25	Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.	
\boxtimes	2.26	Other conditions:	\Box
		<u>Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations:</u> The Tract Map sewer mains design shall follow the TTM20134 SSAMP, dated 02/12/2019, and any deviation from this design shall require the SSAMP to be updated and resubmitted to OMUC for review and approval.	
		Phase 1:	
		a) Install a Master Plan minimum 21-inch sewer main in Haven Avenue connecting from existing sewer main at Schaefer Avenue and running north to the Northerly Tract-20134 Boundary per the approved Sewer backbone Plans.	
		b) Install 8-inch sewer mains throughout Tract Map interior streets sufficient to connect phased units with a point of connection to the 21-inch sewer main in Haven Avenue at Lot 'M'. This shall include 8-inch sewer mains in Lot 'M' from Haven Avenue to 'D' Street; 'B' Street from 'D' Street to 'C' Street; 'D' Street from 'B' Street to 'F' Street; and 'F' Street from 'D' Street to Private Drive 'F'. See TTM20134 Utility Systems Map, dated 02/26/2019 for additional details.	
		Phase 2:	
		c) Prior to issuance of any Phase 2 permits, install a minimum 15-inch sewer main in Mill Creek Avenue connecting from the existing 24-inch sewer main at Bellegrave Avenue running north to the Northern Tract-20134 Boundary.	
		d) Install an 8-inch sewer main in Private Drive Aisle (Lot 13) from 'E' Street to a point of connection with the 15-inch sewer main in Mill Creek Avenue.	
	D. WA	TER	
\boxtimes	2.27	A 12-inch water main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: water plan bar code: W15921-W15931). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	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 condit	tions:
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Phase 1:

- a) Install a Master Plan 12-inch 925 PZ potable water main in Haven Avenue connecting from the existing 12-inch 925 PZ main in Schaefer Avenue and running north in Haven Avenue to connect to the 12-inch 925 PZ main in Chino Avenue.
- b) Install a Master Plan 12-inch 925 PZ potable water main in Chino Avenue connecting from the 12-inch 925 PZ main in Haven Avenue and running east in Chino Avenue to connect to the 18-inch 925 PZ main in Chino Avenue at Mill Creek Avenue.
- c) Install a Master Plan 18-inch 925 PZ potable water main in Chino Avenue connecting from the 12-inch 925 PZ main in Chino Avenue at Mill Creek Avenue and running east in Chino Avenue to the existing 30-inch 925 PZ main in Hamner Avenue.
- d) Install 8-inch 925 PZ potable water mains throughout Tract Map interior streets (Phases 1 & 2) with a point of connection to the 12-inch 925 PZ potable water main in Haven Avenue at 'A' Street & trough Lot 'M'. See TTM20134 Utility Systems Map, dated 02/26/2019 for additional details.

Phase 2:

- e) Prior to issuance of any Phase 2 permits, install a Master Plan 12-inch 925 PZ potable water main in Mill Creek Avenue connecting from the existing 12-inch 925 PZ main in Ontario Ranch Road and running north in Mill Creek Avenue to the Northern Tract-20134 Boundary.
- f) Install an 8-inch 925 PZ potable water main in Private Drive Aisle (Lot 13) from 'E' Street to the point of connection with the 12-inch 925 PZ potable water main in Mill Creek Avenue.

	E. RE	CYCLED WATER	
\boxtimes	2.30	A 16-inch recycled water main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: recycled water plan bar code: P11673-11678). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	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.	
\boxtimes	2.33	Prior to Precise Grading Plan Approval Submit the followings:	
		 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. 	
		b) Submit an <u>Engineering Report (ER)</u> to the City detailing recycled water usage to OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval for review and approval.	
		Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company (OMUC) at (909) 395-2647 regarding this requirement.	

City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of

2.34

Other conditions:

M

Date: April 15, 2019



recycled water for all approved uses, including but not limited to landscaping irrigation for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the Tract to meet this requirement, as approved by the City.

Phase 1:

- a) Install a Master Plan 16-inch 930 PZ recycled water main in Haven Avenue connecting from the existing 16-inch 930 PZ main in Schaefer Avenue and running north in Haven Avenue to the 30-inch 930 PZ main in Chino Avenue.
- b) Install a Master Plan 36-inch 930 PZ recycled water main in Chino Avenue connecting from the 16-inch 930 PZ main in Haven Avenue and running west in Chino Avenue beyond the street intersection to the PR Station.
- c) Install 8-inch 930 PZ recycled water mains throughout Tract Map interior streets sufficient to connect all HOA parks and HOA maintained landscaped areas with a point of connection to the 16-inch 930 PZ recycled water main in Haven Avenue at 'A' Street and another point of connection to the 16-inch 930 PZ recycled water main in Mill Creek Avenue at 'G' Street. This shall include 8-inch 930 PZ mains in 'A' Street and 'G' Street. See TTM20134 Utility Systems Map, dated 02/26/2019 for additional details.

Phase 2:

TRAFFIC / TRANSPORTATION

- d) Prior to issuance of any Phase 2 permits, install a Master Plan 16-inch 930 PZ recycled water main in Mill Creek Avenue connecting from the existing 12-inch main at Ontario Ranch Road and running north in Mill Creek Avenue to the Northern Tract-20134 Boundary.
- Install a Master Plan 16-inch 930 PZ recycled water main in Mill Creek Avenue connecting from the existing 12-inch main at Ontario Ranch Road and running north in Mill Creek Avenue to the Northern Tract-20134 Boundary.

	r. IK	AFFIC / 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	
\boxtimes	2.36	New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.	
\boxtimes	2.37	Other conditions:	
		Phone 4:	

Phase 1:

- The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows: Haven Avenue (124' R/W, 72' C/C, 16' Median), including 14 feet southbound lane and 5-foot graded shoulder. These improvements shall include but not limited to the following: concrete curb and gutter, sidewalk, parkway landscaping, neighborhood edge, multi-purpose trail entry, fiber optic system, street lights, pavement, utilities, signing and striping and pavement transitions as needed to accommodate lane shifts between northerly and southerly tract limits
- b) The applicant/developer shall be responsible to modify the traffic signal at the intersection of Haven Avenue and Schaefer Avenue. The traffic signal modification improvements shall include, but not be limited to providing pedestrian access across the north leg of the intersection and providing the ultimate eastbound left turn configuration on Schaefer Avenue.



- c) The applicant/developer shall be responsible to construct the traffic signal at intersection of Haven Avenue and 'A' Street.
- d) All traffic signals shall include, video detection for vehicles and bicycles, interconnect cable and conduit, emergency vehicle preemption systems, and CCTV camera system 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.
- e) The applicant/developer shall be responsible to design and construct bus turnouts, including concrete landing areas in accordance with Omnitrans Transit Design Guidelines. At a minimum, each stop shall include: Shelter, LED lighting, Benches, Map Case and Rear Metal Wall and Trash Receptacles. Locations include:
 - NB Haven Avenue at Schaefer Avenue (DIF)
 - NB Haven Avenue at 'A' Street (DIF)
- f) During the development of the Tract, at least two points of access shall be maintained at all times.
- g) The applicant/developer shall design and construct all in-tract streets in accordance with City of Ontario Standard Drawing No. 1051, 36-foot Local Street Section. 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
- h) The applicant/developer shall design and construct all in-tract streets full curb-to-curb improvements of the interior streets within the Phase 2 portion in accordance with City of Ontario Standard Drawing No. 1051, 36-foot Local Street Section. The improvements shall include but not limited to the following: concrete curb and gutter, pavement, utilities, signing and striping.
- The roundabout shall be designed with appropriate flares and splitter islands in accordance with the City of Ontario Traffic and Transportation Design Guidelines (http://www.ontarioca.gov/sites/default/files/traffic and transportation design guidelin es a ugust-2013 rev5.pdf).
- j) The applicant/developer shall be responsible to design and construct street improvements in-tract and along property frontages in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
- k) The applicant/Developer shall redesign the in-tract streets and storm drain system to minimize the use of cross gutters at street intersections and intersections of public street drive aisles and increase the use of storm drain catch basins. Proposed cross gutters must be approved in writing by the City Engineer prior to the design of the street improvements.
- All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.

Phase 2:

m) The applicant/developer shall be responsible to design and construct full frontage improvements in Mill Creek Avenue (83' R/W, 64' C/C). The improvements shall include but not limited to the following: concrete curb and gutter, sidewalk, parkway landscaping, neighborhood edge, multi-purpose trail, fiber optic system, LED street lights, pavement, utilities, signing and striping and pavement transitions as needed to accommodate lane shifts between northerly and southerly tract limits.



- n) The applicant/developer shall be responsible to design and construct off-site Mill Creek Avenue improvements between Ontario Ranch Road and southerly tract limit which include, but not limited to the following: one (1) lane in each directions plus 5-foot graded shoulders, 12-inch water main, 16-inch recycled water main, 15-inch sewer main, 84-inch storm drain main, any underground utilities that is proposed to be located under the street pavement, signing and striping and appropriate pavement transitions as needed to accommodate lane shifts. Mill Creek Avenue shall be signed "No Stopping Anytime".
- The applicant/developer shall be responsible to construct the traffic signal at intersection of Mill Creek Avenue and 'G' Street.
- p) The applicant/Developer shall redesign the in-tract streets and storm drain system to minimize the use of cross gutters at street intersections and intersections of public street drive aisles and increase the use of storm drain catch basins. Proposed cross gutters must be approved in writing by the City Engineer prior to the design of the street improvements.
- q) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.

	G. DF	RAINAGE / HYDROLOGY	
	2.38	A 72-inch storm drain main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: storm drain plan bar code: D13679-13689). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue	
	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 predevelopment peak flows, in accordance with the approved hydrology study and improvement plans.	
\boxtimes	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.	
		The applicant/developer shall submit to the Engineering Department the necessary studies, reports and mitigation measures to address the ultimate historic drainage flows from the adjacent properties to the north and east of this tract for review and approval. If existing historic drainage flows is used in the drainage studies in-lieu of the ultimate, then the applicant must submit notarized acknowledgment letters from the adjacent property owners to guarantee that the existing berms, swales and natural barriers will not be removed or altered to disrupt the existing historic flows without prior approval from the City.	
	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.	
\boxtimes	2.43	Other conditions:	
		Phase 1:	
		a) Design and construct a Master Plan 72-inch and 60-inch storm drain mains in Havon	

Avenue connecting from the existing 72-inch main at Schaefer Avenue and running



north in Haven Avenue to the northerly tract limit.

- b) The applicant/developer shall design and construct alternative storm drain alignment "Alternative Alignment" through APN 0218-161-13/Brookfield property (the adjacent property to the north of this tract), as specified in the Development Agreement. This 72-inch storm drain alignment shall connect to Haven Avenue Storm Drain and shall include upsizing portion of the storm drain main Haven Avenue to the satisfaction of the City Engineer. In the event the Alternative Alignment is deemed infeasible, the applicant/developer shall provide a written explanation to the City, and shall design and construct the primary storm drain alignment through the subject tract and connect to Haven Avenue Storm Drain main per the City of Ontario Master Plan of Drainage
- c) The applicant/developer shall design and construct public storm drain mains throughout the tract map interior streets (Phases 1 & 2) with a points of connections to the storm drain main in Haven Avenue at "A" Street and through Lot "M", as shown on the tentative tract map. The minimum size of public storm drain mains shall be 24-inch RCP.

Phase 2:

d) The applicant/developer shall design and construct various sizes of storm drain mains in Mill Creek Avenue from the northerly tract limit to Bellegrage Avenue and connect to the County Channel per the master Plan of Drainage.

	(NPDE	(S)	
	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.	
\boxtimes	2.45	Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: http://www.sbcounty.gov/dpw/land/npdes.asp .	
	2.46	Other conditions:	
	J. SPE	ECIAL DISTRICTS	
	2.47	File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.	
	2.48	Other conditions:	П



K. FIBER OPTIC

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

Other conditions:

- The applicant/developer shall provide fiber optic connection to each home unit per city standards and guidelines.
- b) OntarioNet fiber optic plans must be designed and approved at the same time as other improvement plans.
- c) 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.
- d) Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties. 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.
- e) Hand holes Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 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.
- f) 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.
- g) ROW Conduit Design and Install all Fiber Optic Conduit at a Minimum Depth of 36". Trenching Shall be Per City Standard 1306. (1) 7-way Microduct (Duraline Orange) 13/16mm tubes and (1) 2" HDPE SDR-11 (Smoothwall) roll pipe (Orange) 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. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.
- h) Building Entrance (Multi-family and Commercial) 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.
- 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

Date: April 15, 2019



ROW. Consult City's Fiber Team for design assistance.

- j) 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.
- k) 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. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.
- 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.
- m) 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.
- n) 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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
- A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
- p) Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
- q) Hand holes, conduits and ducts shall be placed in the public right of way or PUE.
- Public fiber optic system in the drive aisles and alleys shall require PUE dedication as identified in item 1.02.
- s) Multi-family dwellings are considered commercial property.
- Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
- u) Please contact City's Fiber Team at <u>OntarioNet@ontarioca.gov</u> for conduit design assistance.
- v) For additional information please refer to the City's Fiber Optic Master Plan.
- w) Structured Wiring An integrated structured wiring system (low-voltage wiring) provides infrastructure for today's technology applications and the framework for the future technology advances.
- x) Requirements and benefits of a structured wiring system include:
 - 1. Residential (single-family and multi-family), commercial and industrial developments shall adhere to the City's Structured Wiring ordinance

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- 2. Allows for uniform receipt & distribution of technology services
- 3. Ensures scalability of wiring for future technology advances
- 4. Provides consistent & identical wiring protocols throughout developments
- 5. Enables the property infrastructure to interface efficiently with broadband networks for highest bandwidth capacity

Adoption of these standards will minimize retrofitting required to ensure new property owners are capable of the latest technologies and services.

	L. So	lid Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	י 🗆
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
\boxtimes	2.52	Other conditions:	
		a) Final Solid Waste Handling Plan (SWHP): The Tract Map shall follow the TTM20134 SWHP, dated 02/12/2019, and any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval. Final SWHP shall be submitted for review and approval with each subsequent Precise Grading Plan.)
		 Any park with a recreation center or building will require commercial waste collection service with a trash enclosure and bins, unless otherwise approved by the City. 	
3.	PRIC	R TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:	
\boxtimes	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.	
\boxtimes	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.	
		☑ 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.	
\boxtimes	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.	
\boxtimes	3.05	Confirm payment of all Development Impact Fees (DIF) to the Building Department.	
\boxtimes	3.06	Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studie and reports (i.e. hydrology, traffic, WQMP, etc.).	

Project File No. TM20134/PMTT17-013 Project Engineer: Naiim Khoury Date: April 15, 2019



Date: April 15, 2019



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Tract Map No. 20134/PMTT17-013

The following items are required to be included with the first plan check su	bmittal:
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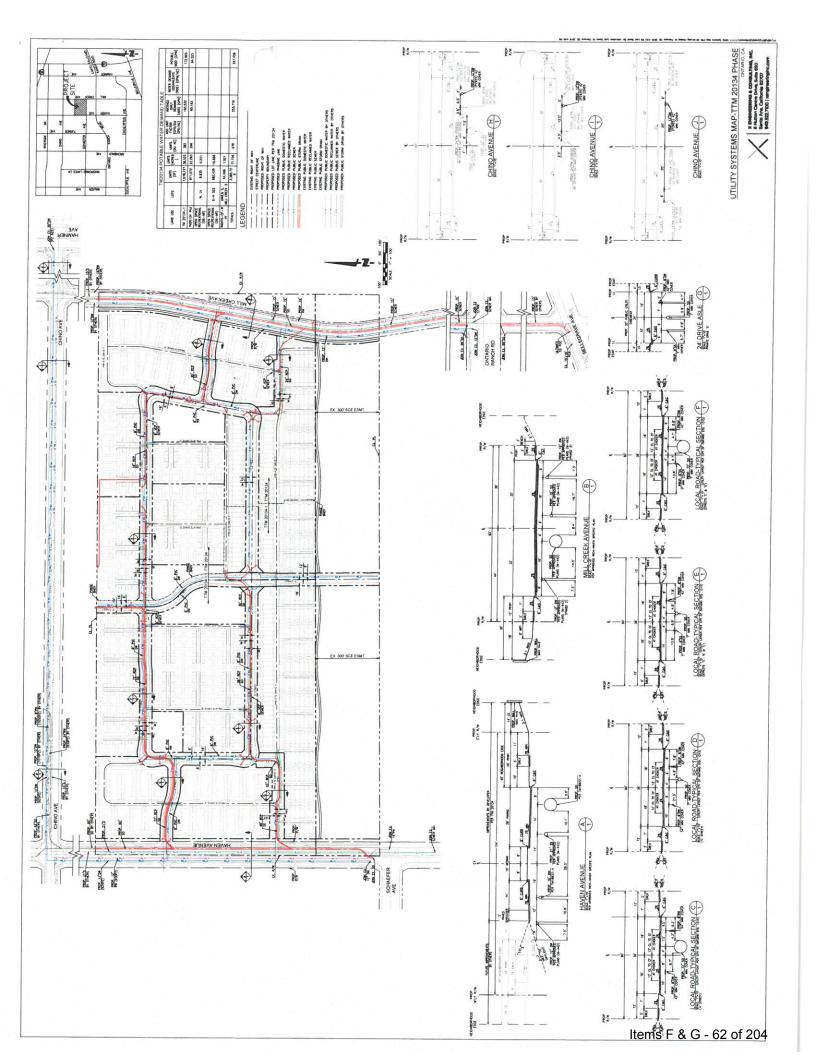
- 1. A copy of this check list
- 2. Payment of fee for Plan Checking
- 3. One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.
- 4. One (1) copy of project Conditions of Approval
- ☑ Two (2) sets of Potable and Recycled Water demand calculations (include water 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 Private Street improvement plan with street cross-sections
- average and peak water demand in GPM for the proposed development and proposed water meter size)
- 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.

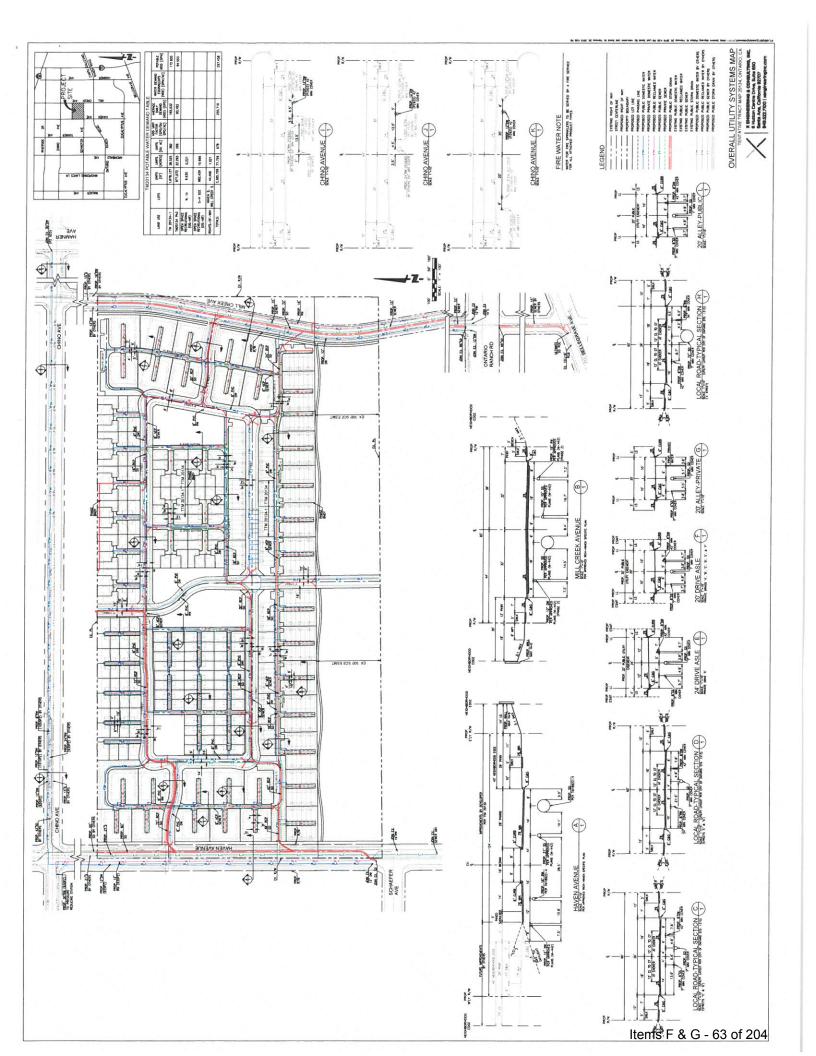
 Three (3) sets of Public Street Light improvement plan
- 13. Three (3) sets of Signing and Striping improvement plan
- 14. Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)
- 15. Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show 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. Main 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

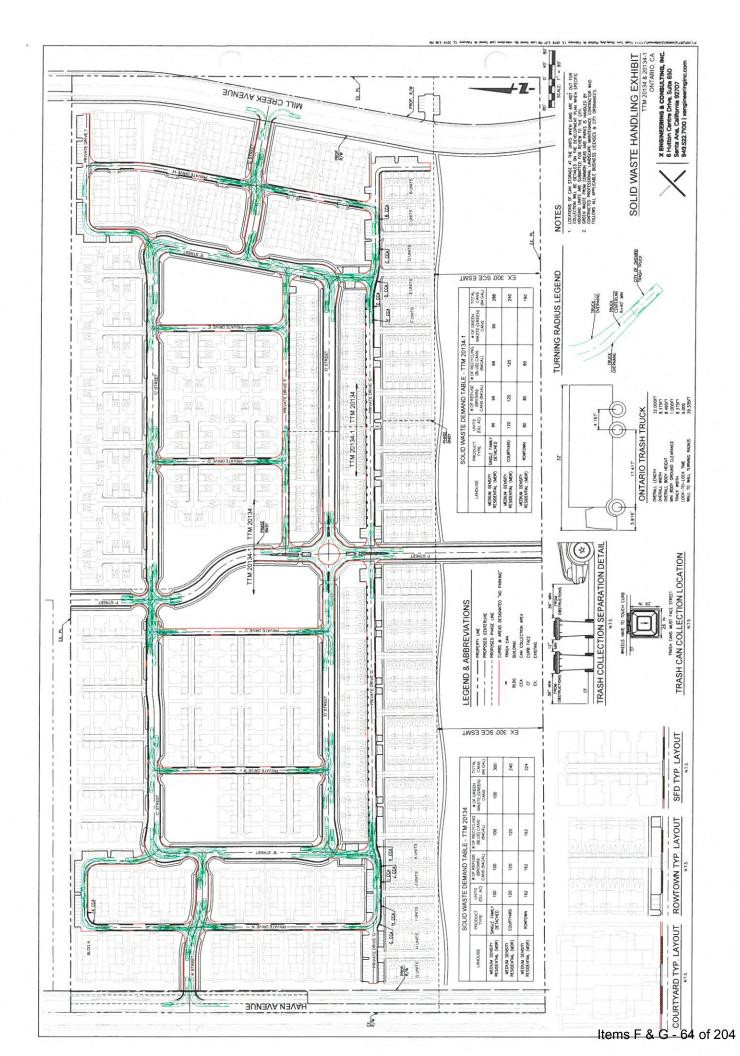
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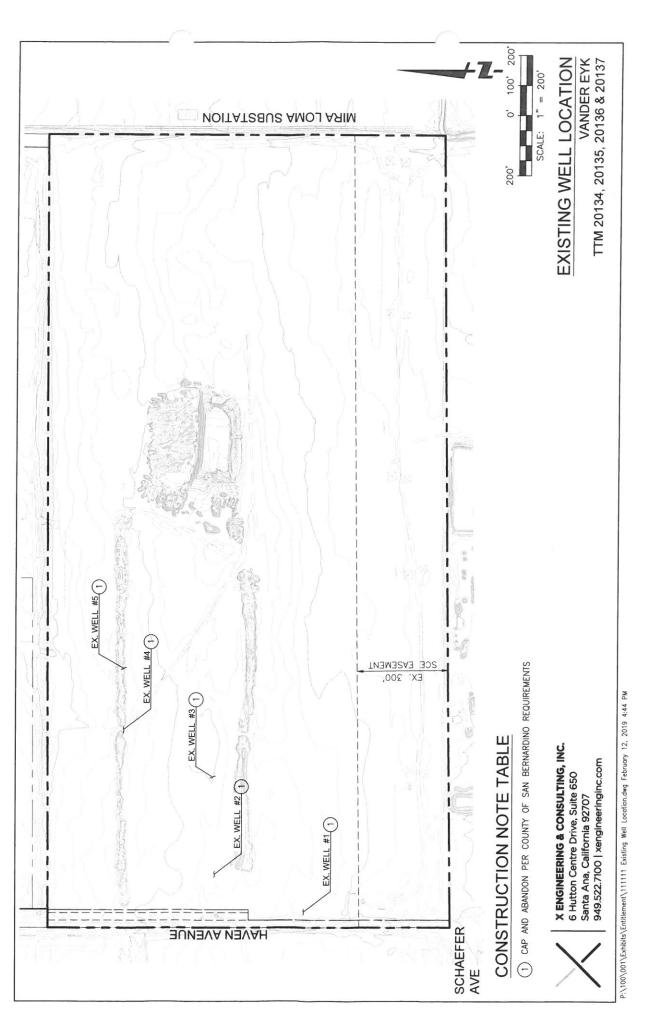
27. Other: _____













CITY OF ONTARIO MEMORANDUM

TO: Lorena Mejia, Senior Planner

Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: November 19, 2017

SUBJECT: PMTT17-013 – A Tentative Tract Map to subdivide 80.61 gross acres of

land into 15 numbered lots and 12 lettered lots, located at the northeast corner of Schaefer Avenue and Haven Avenue, within the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01).

Related File(s): (3 ; "B" Maps- 20134, 20135, 20136).

☐ The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2013 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Various

D. Number of Stories: Two Story

E. Total Square Footage: Various

F. 2013 CBC Occupancy Classification(s): R-3, U

CONDITIONS OF APPROVAL:

1.0 GENERAL

- I.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, click on "Fire Department" and then on "Standards and Forms."

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.

3.0 WATER SUPPLY

- ⊠ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ≥ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

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.
- ∑ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ∑ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

10:	Hassan Haghani, Development Director Scott Murphy, Assistant Development D		
	Cathy Wahlstrom, Principal Planner (Co	ppy of memo only)	
	Charity Hernandez, Economic Developr Kevin Shear, Building Official	ment	
	Khoi Do, Assistant City Engineer		
	Carolyn Bell, Landscape Planning Divisi	ion	
	Sheldon Yu, Municipal Utility Company		
	Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Ma	urshal	
	Jay Bautista, T. E., Traffic/Transportatio		
	Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES		
	Joe De Sousa, Supervising code Enforce	ement Officer	
	Jimmy Chang , IT Department		
EDOM:	David Simpson, IT Department (Copy of	fmemo only)	
FROM:	Lorena Mejia, Senior Planner		
DATE:	November 08, 2017		
SUBJECT:	FILE #: PMTT17-013	Finance Acct#:	
		Please send one (1) copy and email one (1) c	copy of
your DAB re	port to the Planning Department by Wed n	esday, November 22, 2017.	
Note:	Only DAB action is required		
∇	Both DAB and Planning Commission act	ions are required	
	Only Planning Commission action is requ	uired	
	DAB, Planning Commission and City Co	uncil actions are required	
	Only Zoning Administrator action is requi	ired	
PROJECT D	ESCRIPTION: A Tentative Tract Map to s	subdivide 80.61 gross acres of land into 15	
		neast corner of Schaefer Avenue and Haven	
	in the Planning Areas 5A through 5D of this): (3 ¿"B" Maps- 20134, 20135, 20136).	ne Rich Haven Specific Plan (APN(s): 0218-1	61-01).
7 The plan	n does adequately address the departmen	tal concerns at this time.	
Th	No comments		
n	Report attached (1 copy and email 1 cop	у)	
	Standard Conditions of Approval apply		
The plan	does not adequately address the departr	mental concerns	
<u> </u>	Development Advisory Board.	report must be met prior to scheduling for	
•		MARKGEMENT	11/11/17
POUUZ	Dounces Soz	BR ANALYST	
Department	Śignature	Titlé	Date

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

Sign Off

3/6/18
Carolyn Bell, Sr. Landscape Planner Date

DAB CONDITIONS OF APPROVAL

303 East "B" Street, Ontario, CA 91764

Revie	wer's Name:		Phone:
Car	olyn Bell, Sr. Landscape Plan	ner	(909) 395-2237
		ed Files:	Case Planner:
PM	T17-013 Rev 1		Lorena Mejia
Proje	ct Name and Location:		
Rich	land Planning Areas 5A – 5D		
TM 2	20136		
Appli	cant/Representative:		
Rich	land Communities - Craig Cristina	CCHRISTINA@RICHLANDCOMMU	NITIES.COM
3161	Michelson Dr. Ste 425		
Irvin	e, CA 92612		
	• `	6/18) has been approved with the o met upon submittal of the landscap	
	A Tentative Tract Map (dated required prior to DAB approval.) has not been approved. Correct	ions noted below are
NO	CORRECTIONS REQUIRED		

On Grading or Utility construction plans, note:

- 1. Residential driveways shall be max. 16' wide with 3' wide wings on each side for 6" high curbs and 4' wide for 8" high curbs.
- 2. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- 3. Connect downspouts to lot drainage system or in planter areas add 12" deep rip rap infiltration sumps at downspouts or splash guards.
- 4. Show infiltrating catch basins with two ¾" dia. holes in bottom set on 12" square of filter fabric wrapped gravel, located 5' or greater from buildings and 24" from sidewalk, add detail.
- 5. Show or note transformers shall be located in planter areas, not turf, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade. Coordinate with landscape plans.
- 6. Show or note backflow devices shall be located in planter areas, not turf, and set back min 3' from paving Locate on level grade. Coordinate with landscape plans.
- 7. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines, light standards to the minimum spacing to allow space for street trees.
- 8. Show light standards 15' away from required tree locations.
- 9. Show on plans step outs at parking spaces adjacent to planters; 12" wide curb, 12" of compacted decomposed granite or pavers adjacent to the 6" curb.
- 10. Show wall openings for secondary overflow detail to max 4" wide.
- 11. Provide a solid surface path from driveway to side yard gate for entry and trash bin access.
- 12. Note and show on plans: all AC units shall be located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side shall be added for access.
- 13. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
- 14. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Inspection—Construction (up to 3 inspections)	\$278.00

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO:	Hassan Haghani, Development Director Scott Murphy, Assistant Development Director (Copy of memo only) Cathy Wahlstrom, Principal Planner (Copy of memo only) Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Sheldon Yu, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES Joe De Sousa, Supervising code Enforcement Officer Jimmy Chang, IT Department David Simpson, IT Department (Copy of memo only)
FROM:	Lorena Mejia, Senior Planner
DATE:	November 08, 2017
SUBJECT:	FILE #: PMTT17-013 Finance Acct#:
Note:	g project has been submitted for review. Please send one (1) copy and email one (1) copy of port to the Planning Department by Wednesday, November 22, 2017. 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
numbered lot Avenue, with	ESCRIPTION: A Tentative Tract Map to subdivide 80.61 gross acres of land into 15 ts and 12 lettered lots, located at the northeast corner of Schaefer Avenue and Haven in the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). s): (3 ¿"B" Maps- 20134, 20135, 20136).
The plan	does adequately address the departmental concerns at this time.
	No comments
X	Report attached (1 copy and email 1 copy)
	Standard Conditions of Approval apply
The plan	does not adequately address the departmental concerns.
	The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Broadband Operations

Anna Vaca, Sr. Systems Analyst

12/11/2017

Date

CITY OF ONTARIO BROADBAND OPERATIONS 303 East "B" Street, Ontario, CA 91764

(Orange) duct.

CONDITIONS OF APPROVAL				
Sign Off				
Fiber Team	12/11/2017			

Review	er's Name			Phone
Ann	a Vaca	a, Sr.	. Systems Analyst	909-395-2349
File #				Project Engineer:
PMT	T17-0	13 (T	TM 20134, 20135, 20136)	Naiim Khoury
	Name and			
			Map to subdivide 80.61 gross acres at the northeast co	
		Ave	nue within Planning Areas 5A-5D of Rich Haven Specifi	ic Plan
Sent to		ury F	Engineering Department	
INaiii	11 111100	ліу, с	Ingineering Department	
	Plan	does	adequately address the departmental concerns at this time.	No Comments.
\boxtimes	Plan	does	adequately address the departmental concerns at this time.	See report below.
			not adequately address the departmental concerns. The coret prior to scheduling for Development Advisory Board.	nditions contained below
Notes Req'd on Plans	CONE	OITIC	NS OF APPROVAL - (<i>PMTT17-013 (TM 20134, 20135, 20136)</i>	
		1.	Project shall be designed and constructed to provide access to the City's per the City's Fiber Optic Master Plan. Building entrance conduits shall shand hole in the Right-of-Way (ROW) and shall terminate in the main telebuilding. Conduit infrastructure shall interconnect with the primary and/o conduit system at the nearest OntarioNet hand hole.	start from the closest OntarioNet ecommunications room for each
		2.	Contractor is responsible for locating and connecting conduit to existing adjacent properties. There should be no "Gaps" in conduit between the adjacent property. OntarioNet hand holes are typically located in the RO property.	contractor's development and the
		3.	Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (1 HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively New 90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-9014 Conduits sweeping into hand holes shall enter in flush with the cut-out m bottom of the box and come in perpendicular to the wall of the box. Concother than parallel. Provide 5 foot minimum clearance from existing/prop be used when there is a cluster of three or more units that share a content of the second of the se	wbasis Part # PCA-173024- 6 per City Standard 1316. ouse holes aligned parallel to the duits shall not enter at any angle posed utilities. (Handholes shall common driveway.)
		4.	ROW Conduit – Design and install fiber optic conduit at a minimum depth per City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall) rol inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) du hand holes and hand holes on private property shall be 2-inch HDPE SD (Orange) duct. When private alleys are utilized for utilities, fiber optical joint trench with telecommunications.	oll pipe (Orange) duct and (1) 2-ct. Conduit(s) between ROW PR-11 (Smoothwall) roll pipe ics conduit should be placed in
		5.	ROW Conduit - Design and Install all Fiber Optic Conduit at a Minimum I Per City Standard 1306. (1) 7-way Microduct (Duraline - Orange) 13/16r 11 (Smoothwall) roll pipe (Orange) duct. Conduit(s) between ROW hand property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) of hand holes and hand holes on private property shall be 2-inch HDPE SD	nm tubes and (1) 2" HDPE SDR- holes and hand holes on private duct. Conduit(s) between ROW

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Notes Req'd on Plans	CONE	OITIOI	NS OF APPROVAL - (<i>PMTT17-013 (TM 20134, 20135, 20136)</i>
		6.	Building Entrance (Multi-family and Commercial) - 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.
		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.	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.
		9.	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. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.
\boxtimes	\boxtimes	10.	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.
×		11.	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.
		12.	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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
		13.	A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
		14.	Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
\boxtimes	\boxtimes	15.	All hand holes, conduits and ducts shall be placed in the public right of way.
		16.	Multi-family dwellings are considered commercial property.
		17.	Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
	\boxtimes	18.	Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
	\boxtimes	19.	For additional information please refer to the City's Fiber Optic Master Plan.
		20.	Please see attached corrections.
		21.	Please provide plans in digital format (PDF) on future revisions.

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RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-014, A TENTATIVE TRACT MAP TO SUBDIVIDE 6.22 ACRES OF LAND INTO 10 NUMBERED LOTS AND 13 LETTERED LOTS FOR RESIDENTIAL AND PRIVATE STREETS FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREAS 5A AND 5C (RESIDENTIAL – SMALL LOT SFD) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-01.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT17-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 6.22 acres of land generally located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A and 5C (Residential – Small Lot SFD) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4C (Small Lot SFD) and 3 (Park) of the Rich Haven Specific Plan, and is presently vacant. The property to the east is within the Specific Plan (Agricultural Overlay) zoning district, and is developed with an SCE Substation. The property to the south is within the within the Mixed Use District Planning Areas 6A and 6B of the Rich Haven Specific Plan, and is presently mass graded and vacant. The property to the west is within Planning Area 8 – Residential (4,250 SF Lots) of the West Haven Specific Plan, and is developed with residential subdivision; and

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

WHEREAS, the proposed Tentative Tract Map File No. PMTT17-014 (TT20134) will subdivide 6.22 gross acres of land into 10 numbered lots and 13 lettered lots for residential and private street purposes; and

WHEREAS, PMTT17-014 is one of three "B" Maps (PMTT17-015 (TTM 20136) and PMTT17-016 (TTM 20137)) that were processed concurrently with the project's "A" Map (PMTT17-013 -TT20134).; and

WHEREAS, the "A" Map subdivides the overall project area to facilitate future land uses, backbone infrastructure improvements (major streets, sewer, water and storm drain facilities) and subsequent tentative maps "B" Maps that further subdivide the same parcel of land; and

WHEREAS, PMTT17-014 (B Map) will allow for the development of the Court Town Home product types and further subdivide Lots 1 and 5 of PMTT17-013 (A Map). The Court Town Homes will be located along Haven Avenue and total 120 residential units; and

WHEREAS, the Rich Haven Specific Plan requires Court Town Homes to maintain a minimum unit size of 1,800 square feet, with up to 16 units per building; and

WHEREAS, the 10 numbered lots sizes range from 19,981 to 23,023 square feet and the 13 lettered lots will facilitate the tract's alleys, drive aisles, and off-street parking requirements; and

WHEREAS, the "A" Map will provide one access point from Haven Avenue and one access point from Mill Creek Avenue to serve the overall project site. The "A" Map will provide the interior tract streets and private lanes that will serve the proposed "B" Map (PMTT17-014); and

WHEREAS, a parking plan was completed and demonstrates there is sufficient parking to serve the "A" Map and subsequent "B" Maps. The "A" Map requires a total of 1,588 parking spaces, in which 1,316 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 2,368 spaces will be provided, exceeding the minimum requirements by 780 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.4 parking spaces per unit; and

WHEREAS, the "A" Map will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 4.7 acres of parkland. To satisfy the park requirement, the applicant is constructing a central neighborhood park comprised of two parcels totaling 2.05 acres, a 1.26 acre secondary neighborhood park located within the eastern half of the site, a 0.64 acre pocket park on the western half of the site, and a 1.00 acre dog park located along the eastern property line, totaling 4.95 acres; and

WHEREAS, CC&R's are required to be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas,

recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the ongoing maintenance of the common areas and facilities; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-008, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and Addendums and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and Addendums and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously analyzed in an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

<u>SECTION 2</u>: **Subsequent or Supplemental Environmental Review Not Required.** Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the

preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or
- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3: **Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

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

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

The proposed Tentative Tract Map is consistent with the goals, (1) policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space - Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 Complete Community).

- (2)The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space – Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb." (Policy CD2-2 Neighborhood Design).
- (3) The site is physically suitable for the type of development proposed. The project site meets the minimum lot area and dimensions of Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.
- (4) The site is physically suitable for the density/intensity of development proposed. The project site is proposed for residential development at a density of 11.8 DUs/acre. The project site meets the minimum lot area and dimensions of the Rich Haven Specific Plan, and is physically suitable for this proposed density/intensity of development.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an

area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the related residential infrastructure improvements proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.
- (7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<u>SECTION 6</u>: *Planning Commission Action*. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *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.

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

- - - - - - - - - - - - -

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

File No. PMTT17-014 April 23, 2019 Page 10 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019, by the following roll call vote, to wit: AYES: NOES: ABSENT: ABSTAIN: Gwen Berendsen Secretary Pro Tempore

Planning Commission Resolution

ATTACHMENT A:

File No. PMTT17-014 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PMTT17-014 (TT20135)

Related Files: PMTT17-013, PMTT17-015 and PMTT17-016

Project Description: A Tentative Tract Map (File No. PMTT17-014) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets, for a property located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A and 5C (Residential – Small Lot SFD) of the Rich Haven Specific Plan; (APN: 0218-161-01) **submitted by Richland Communities.**

Prepared By: Lorena Mejia, Senior Planner

<u>Phone</u>: 909.395.2276 (direct) <u>Email</u>: Imejia@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

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

2.2 Subdivision Map.

- (a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(b)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-014

Page 2 of 4

- (c) The subject Tentative Tract Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract Map and CC&Rs.
- (d) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.
- **2.3** Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.
- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- **(g)** A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.4 Disclosure Statements.

- (a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:
- (i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-014

Page 3 of 4

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

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

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

2.5 Environmental Review.

- (a) The environmental impacts of this project were previously reviewed in conjunction with an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- **(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- **2.6** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 Additional Fees.

- (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.8 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA18-005) and PMTT17-013 (TT 20134) shall apply to this tract.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-014

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

(c) Off-Site Subdivision Signs.

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

- (d) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.
- **(e)** The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No :	PMTT17-013(TTM 20134) 014(TTM 2	20135) 015(TTN	M 20136) & 016(TTM 20137)	Reviewed	Dv.	
Address:	Northeast corner of Schaefer Avenue & Haven Avenue					Lorena Mejia	
APN:	0218-161-01						
Existing Land Use:	Vacant					Contact Info: 909-395-2276	
Proposed Land Use:		act Map (A Map) to subcincluding subsequent B		s into 15 numbered lots and	Project Pla Lorena I		
			•		Date:	12/12/17	
Site Acreage:	80.61	<u> </u>	Structure Heigh	T. N/A	CD No.:	2017-085	
ONT-IAC Projec Airport Influence		N/A ONT			PALU No.	n/a	
TI	ne project	is impacted by t	the followi	ng ONT ALUCP Comp	atibility	Zones:	
Safe	ty	Noise Imp	act	Airspace Protection	Ove	erflight Notification	
Zone 1 Zone 1A Zone 2 Zone 3 Zone 4 Zone 5 Zone 1 Allowable Heigh	<u> </u>		IEL IEL	High Terrain Zone FAA Notification Surfaces Airspace Obstruction Surfaces Airspace Avigation Easement Area Allowable Height: 200 ft + Dwing Chino ALUCP S Zone 4		Avigation Easement Dedication Recorded Overflight Notification Real Estate Transaction Disclosure Zone 6	
		CON	SISTENCY	DETERMINATION			
This proposed Pr	oject is:	xempt from the ALUCF	Cons	istent • Consistent with C	onditions	Inconsistent	
evaluated and for ONT.	found to be co		licies and crite	rea of Ontario International eria of the Airport Land Use			
Airport Planner S	Signature:		Lanen e	Yejie			

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2017-085
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER	EL MAP	⊠ TRAC		
PROJECT F	ILE NO. TM2	0135/PMTT17	-014 (B-M	IAP)
RELATED FILE	NO(S). <u>TM2</u>	0134/PMTT17	<u>-013 (A-M</u>	AP)
⊠ OR	IGINAL	REVISED:/	_/_	
CITY PROJECT ENGINEER 8	PHONE NO:	Naiim Khoury	, Associat	e Engineer
CITY PROJECT PLANNER &	PHONE NO:	(909) 395-2152 Lorena Mejia, (909) 395-2429	Senior Plan	nner
DAB MEETING DATE:	April 15, 2019			
PROJECT NAME / DESCRIPT	TION:	TM-20135, a T subdivide 4.93 numbered ar within Rich Ha	3 acres of I	and into 10
LOCATION:		Northeast cor	ner of Hav	en Avenue
APPLICANT:		Richland Com		
REVIEWED BY:	Bryan Lirley/F	P.E.	4/10/19 Date	
APPROVED BY:	Principal Engi Raymond Lee, Assistant City	P.E.	4/10/19 Date	

Last Revised: 4/9/2019

Date: April 15, 2019



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT PLUS ALL THE CONDITIONS AND REQUIREMENTS SPECIFICED IN TENTATIVE TRACT MAP 20134/A-MAP, RICH HAVEN SPECIFIC PLAN AND THE DEVELOPMENT AGREEMENT.

1.	PRIC	OR TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check When Complete	
	1.01	Dedicate to the City of Ontario in fee simple the right-of-way, described below:	
\boxtimes	1.02	Dedicate to the City of Ontario, the following easement(s):	
		a) A minimum of 30-foot wide public utility easement (PUE) in the drive aisles (Lots A, B and C) for water, sewer, fiber optic, emergency access and solid waste collection purposes. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		 A minimum of 20-foot wide public utility easement (PUE) in the alleys (Lots D through Lots M) for fiber optic and emergency access purposes. 	
	1.03	Restrict vehicular access to the site as follows:	
	1.04	Vacate the following street(s) and/or easement(s):	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	
	1.06	Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	
		Also, the CC&R document shall include the following provisions:	
		 Common Use and Private Utilities: Identify all common use/private utility systems and solid waste collection facilities and detail the Operations and Maintenance of these facilities. 	
		d) Repair of Private Pavement: In the event that private pavement replacement is needed due to the repair of any public utilities within PUEs, the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).	
		 Solid Waste Collections: The Solid Waste Handling Plan, shall be included in the CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan. 	



		f) The developer/applicant shall prepare and provide a Home Buyer Disclosure exhibit to each lot that shows the individual lot and the location that is designated for its Solid Waste Collection.	
	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=T100000004658 .	
	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
\boxtimes	1.09	Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	
\boxtimes	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) 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.	
\boxtimes	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.	
\boxtimes	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).	
\boxtimes	1.14	Other conditions:	
		 Reserve private easement for pedestrian access on all residential lots that are located adjacent to driveways in the drive aisles to accommodate for meandering sidewalk and ADA compliance, as required. 	



b) The applicant/developer shall provide notarized letter from the adjacent property owners (Brookfield Residential and Southern California Edison) for right of entry and grading operations.

۷.	PRIU	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
		NERAL nits includes Grading, Building, Demolition and Encroachment)	
\boxtimes	2.01	Record Tract Map No. 20135 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.	Ш
\boxtimes	2.02	Submit a duplicate photo mylar of the recorded map to the City Engineer's office.	
	2.03	Note that the subject parcel is a recognized parcel in the City of Ontario per	
	2.04	Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of	
	2.05	Apply for a: ☐ Certificate of Compliance with a Record of Survey; ☐ Lot Line Adjustment	
		☐ Make a Dedication of Easement.	
	2.06	Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.	
	2.07	For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com/), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .	
\boxtimes	2.08	Submit a soils/geology report.	
\boxtimes	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 for any work encroaching into their easement(s)/property.	



	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 ofand	
	2.11	Dedicate to the City of Ontario the following easement(s):	
\boxtimes	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.	
		No ground water shall be used for grading, construction, or other purposes without expressed authorization from the City through a "Well Water Use Agreement" between the City and the Developer/applicant.	
		☑ 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.	
		The maximum allowable delta elevation at the property line between finish elevation and existing ground of adjacent property shall be 3 feet. It is the applicant/developer's responsibility to obtain temporary easements from the adjacent properties owners for any work beyond this tract boundaries.	
	2.13	Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.	
\boxtimes	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.	
\boxtimes	2.15	Pay all Development Impact Fees (DIF) to the Building Department.	
	2.16	Other conditions:	



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

\boxtimes	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 hoxes):

Improvement	PUE in Private Drive Aisles (Lots A,B &C)	Public Streets A & B		
Curb and Gutter	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace
AC Pavement	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach	New Remove and replace replace			
Sidewalk	New Remove and replace			
ADA Access Ramp	New Remove and replace			
Parkway	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)
Raised Landscaped Median	New Remove and replace			

Last Revised 4/9/2019 Page 6 of 16 Date: April 15, 2019



Fire Hydrant	New	New	New New	New
The Hydrant	Relocation	Relocation	Relocation	Relocation
	Main Main	Main	Main	Main
Sewer (see Sec. 2.C)	⊠ Lateral	Lateral	Lateral	Lateral
(500 500. 2.0)				
Water	Main	Main	Main Main	Main Main
(see Sec. 2.D)	Service	Service	Service	Service
Posseled Water	Main Main	Main	Main	Main
Recycled Water (see Sec. 2.E)	Service	Service	Service	Service
	 			
Traffic Signal	New	New	New	New
System	Modify existing	Modify existing	Modify existing	Modify existing
(see Sec. 2.F)	Oxioting	Oxioting	Oxioting	Chlothig
	New	New	New	New
Traffic Signing	Modify	Modify	Modify	Modify
and Striping (see Sec. 2.F)	existing	existing	existing	existing
	New	New	New	New
Street Light	Relocation	Remove	Remove	Remove
(see Sec. 2.F)		and replace	and replace	and replace
	 	New	New	New
Bus Stop Turn- out	New	Remove	Remove	Remove
(see Sec. 2.F)	Remove and replace	and replace	and replace	and replace
	Main	Main	Main	I Main
Storm Drain	Lateral	Lateral	Lateral	Main Lateral
(see Sec. 2G)	Lateral	Lateral	Lateral	Lateral
	Conduit /	Conduit /	Conduit /	Conduit /
Fiber Optics (see Sec. 2K)	Appurtenances	Appurtenances	Appurtenances	Appurtenances
Overhead			Underground	Underground
Utilities	Underground	Underground	Relocate	Relocate
	Relocate	Relocate		
Removal of				LEADER LEVEL
Improvements				
Other				
Improvements				

Specific notes for improvements listed in Section 2:

a) Final Utility Systems Map (USM): The Tract Map shall follow the TTM20135 USM, dated 02/26/2019, and any deviation from this plan shall require the USM to be updated and resubmitted to OMUC for review and approval. A Final USM shall be submitted for review and approval with the Potable Water, Recycled Water, and Sewer Improvement Plans.

Date: April 15, 2019



- b) Any City of Ontario public utilities that will not be installed within the public right-ofway, shall be installed within dedicated Public Utility Easement (PUE). See item 1.02 for additional details.
- the PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures;
- d) The PUE surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.
- The applicant/developer shall be responsible to design and construct full in-tract public improvements.
- f) The SCE easement corridor between Haven Avenue and "F" Street shall be improved in accordance with the Rich Haven Specific Plan including but not limited to the following: multi-purpose trail (MPT), enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.
- g) All drive aisles and alley ways shown on this map are private to be maintained by the HOA. All improvements within these drive aisles and alley ways will be privately maintained except for water, sewer and fiber optic within the PUE limits.
- h) The public and private improvements constructed within this tentative tract map shall be maintained through the combination of public and private entities as described in Section 8.5 and Table 8-4, "Maintenance Responsibilities" of Rich Haven Specific Plan.

	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.	
\boxtimes	2.21	Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).	
	2.22	Other conditions:	
	C. SE	WER	
	2.23	A 21-inch sewer main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: S15987-15997). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately feet away.	
	2.25	Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.	



\boxtimes	2.26	Other conditions:		
		a)	Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations: The Tract Map sewer mains design shall follow the TTM20134 SSAMP, dated 02/12/2019, and any deviation from this design shall require the SSAMP to be updated and resubmitted to OMUC for review and approval.	
		b)	Install 8-inch sewer mains throughout Tract Map interior streets sufficient to connect phased units with a point of connection to the 21-inch sewer main in Haven Avenue at Street "A" and Lot "M" of TTM20134. See TTM20135 Utility Systems Map, dated 02/26/2019 for additional details.	
	D. WA	ATER		
	2.27	(Ref: Se	ch water main is available for connection by this project in Haven Avenue at Schaefer Avenue ewer plan bar code: W15921-W15931). Also, refer to the "Record Drawings" for the constructed egment between Ontario Ranch Road and Schaefer Avenue.	
	2.28		and construct a water main extension. A water main is not available for direct connection. The main is approximately feet away.	
\boxtimes	2.29	Other c	onditions:	
		a)	Install 8-inch 925 PZ potable water mains throughout Tract Map interior streets (Phases 1 & 2) with a point of connection to the 12-inch 925 PZ potable water main in Haven Avenue at Street "A" and Lot "M" of TTM20134. See TTM20135 Utility Systems Map, dated 02/26/2019 for additional details.	
	E. RE	CYCLED	WATER	
	2.30	Avenue	ch recycled water main is available for connection by this project in Haven Avenue at Schaefer (Ref: Sewer plan bar code: P11673-11678). Also, refer to the "Record Drawings" for the cted sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	2.31		and construct an on-site recycled water system for this project. A recycled water main does the vicinity of this project.	
	2.32	does no would like	and construct an on-site recycled water ready system for this project. A recycled water main of currently exist in the vicinity of this project, but is planned for the near future. If Applicant we to connect to this recycled water main when it becomes available, the cost for the connection borne solely by the Applicant.	
\boxtimes	2.33	Prior to	Precise Grading Plan Approval Submit the followings:	
		a)	Provide two hard copies and the digital files (in PDF and AutoCAD format) for both onsite and off-site utility plans, including landscape and irrigation improvements.	
		b)	Submit an Engineering Report (ER) to the City detailing recycled water usage to OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval for review and approval.	
		months	he OMUC and the CDPH review and approval process will be approximately three (3) . Contact the Ontario Municipal Utilities Company (OMUC) at (909) 395-2647 regarding uirement.	
\boxtimes	2.34	Other co	onditions:	
		a)	<u>City Ordinance 2689:</u> This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the Tract to meet this requirement, as approved by the City.	

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b) Install 8-inch 930 PZ recycled water mains throughout Tract Map interior streets sufficient to connect all HOA parks and HOA maintained landscaped areas with a point of connection to the 16-inch 930 PZ recycled water main in Haven Avenue at 'A' Street See TTM20135 Utility Systems Map, dated 02/26/2019 for additional details.

	F. TR	AFFIC / 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.	
\boxtimes	2.37	Other conditions:	
		a) The applicant/developer shall be responsible to design and construct all private and public improvements including utilities on Lot "M" of TTM20134 and connect the southerly end of Lot "C" to the knuckle at the intersection of "B" Street and "D" Street to the satisfaction to the City Engineer.	
		b) All alleys shall be constructed in accordance with the City of Ontario Standard Drawing No.'s 1111, 1112 and 1113.	
	G. DR	AINAGE / HYDROLOGY	
	2.38	A 72-inch storm drain main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: storm drain plan bar code: D13679-13689). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	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 predevelopment 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.	
		The applicant/developer shall submit to the Engineering Department the necessary studies, reports and mitigation measures to address the <u>ultimate</u> historic drainage flows from the adjacent properties to the north and east of this tract for review and approval. If existing historic drainage flows is used in the drainage studies in-lieu of the ultimate, then the applicant must submit notarized acknowledgment letters from the adjacent property owners to guarantee that the existing berms, swales and natural barriers will not be removed or altered to disrupt the existing historic flows without prior approval from the City.	
	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.	



\boxtimes	2.43	Other conditions:	
		 a) Any proposed storm drain improvements in the private drive aisles and alleys shall be private (Lots A through M). 	
	H. ST	ORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM	
	(NPDE	(S)	
	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 .	
\boxtimes	2.46	Other conditions:	
	J. SP	ECIAL DISTRICTS	
\boxtimes	2.47	File an application, together with an initial payment deposit (if required), to establish a	\Box
		Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.	
	2.48	Other conditions:	
	K FIE	ER OPTIC	
	2.49		
	2.49	Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located in Haven Avenue at Schaefer Avenue.	
\boxtimes	2.50	Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.	
		Other conditions:	
		 The applicant/developer shall provide fiber optic connection to each home unit per city standards and guidelines. 	
		 OntarioNet fiber optic plans must be designed and approved at the same time as other improvement plans. 	

Project Engineer: Naiim Khoury

Date: April 15, 2019



- c) 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.
- d) Hand holes Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 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. Handholes shall be used when there is a cluster of three or more units that share a common driveway.
- e) 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. When private alleys are utilized for utilities, fiber optics conduit should be placed in a joint trench with telecommunications.
- f) Building Entrance (Multi-family and Commercial) 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.
- g) 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.
- h) 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. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
- 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.
- j) 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.
- k) 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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
- A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.



- m) All hand holes, conduits and ducts shall be placed in the public right of way or PUE.
- Public fiber optic system in the drive aisles and alleys shall require PUE dedication as identified in item 1.02.
- Please contact City's Fiber Team at <u>OntarioNet@ontarioca.gov</u> for conduit design assistance.
- p) For additional information please refer to the City's Fiber Optic Master Plan.

	L. Sol	id Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
\boxtimes	2.52	Other conditions:	
		a) Solid Waste Collections: The Developer shall provide the buyers of Lot 2, and any lots	

- a) Solid Waste Collections: The Developer shall provide the buyers of Lot 2, and any lots located more than 250 linear feet from the can collection area an informational disclosure with map exhibit showing the designated can placement locations for collections for these lots, based upon the designated collections locations on the Solid Waste Handling Plan, revision 2/12/2019. This informational disclosure with map exhibit shall be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
- b) Final Solid Waste Handling Plan (SWHP): The Tract Map shall follow the TTM20134 SWHP, dated 02/12/2019, and any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval. A Final SWHP shall be submitted for review and approval with the Precise Grading Plan
- c) Any park with a recreation center or building will require commercial waste collection service with a trash enclosure and bins, unless otherwise approved by the City.



3.	PRIO	R 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.	
\boxtimes	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.	
		☑ 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.	
\boxtimes	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.	
\boxtimes	3.05	Confirm payment of all Development Impact Fees (DIF) to the Building Department.	
\boxtimes	3.06	Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studie and reports (i.e. hydrology, traffic, WQMP, etc.).	



EXHIBIT 'A'

ENGINEERING DEPARTMENTFirst Plan Check Submittal Checklist

TM20135/PMTT17-014

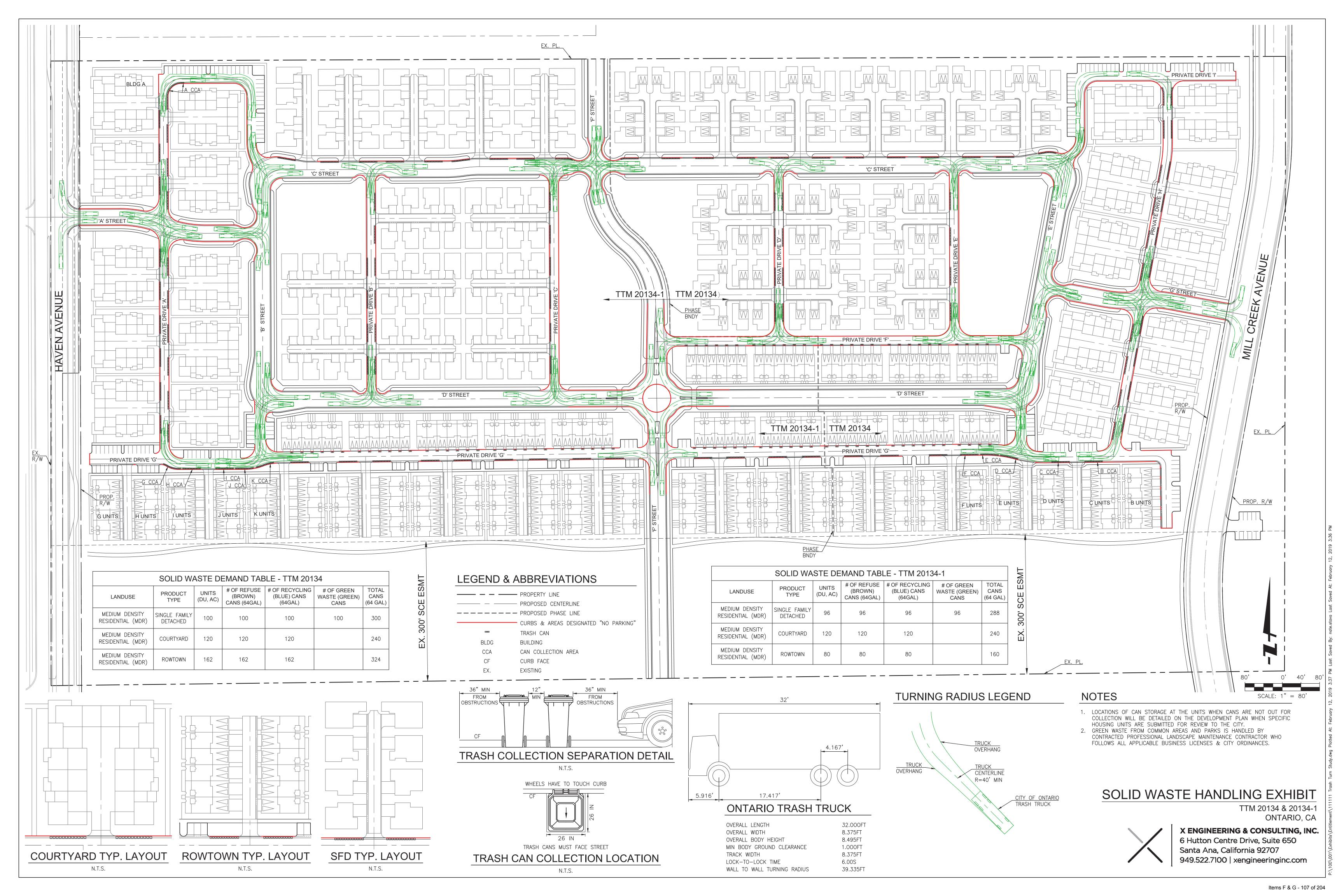
The	following	items	are	required	to b	e i	included	with	the	first	plan	check	submittal	:

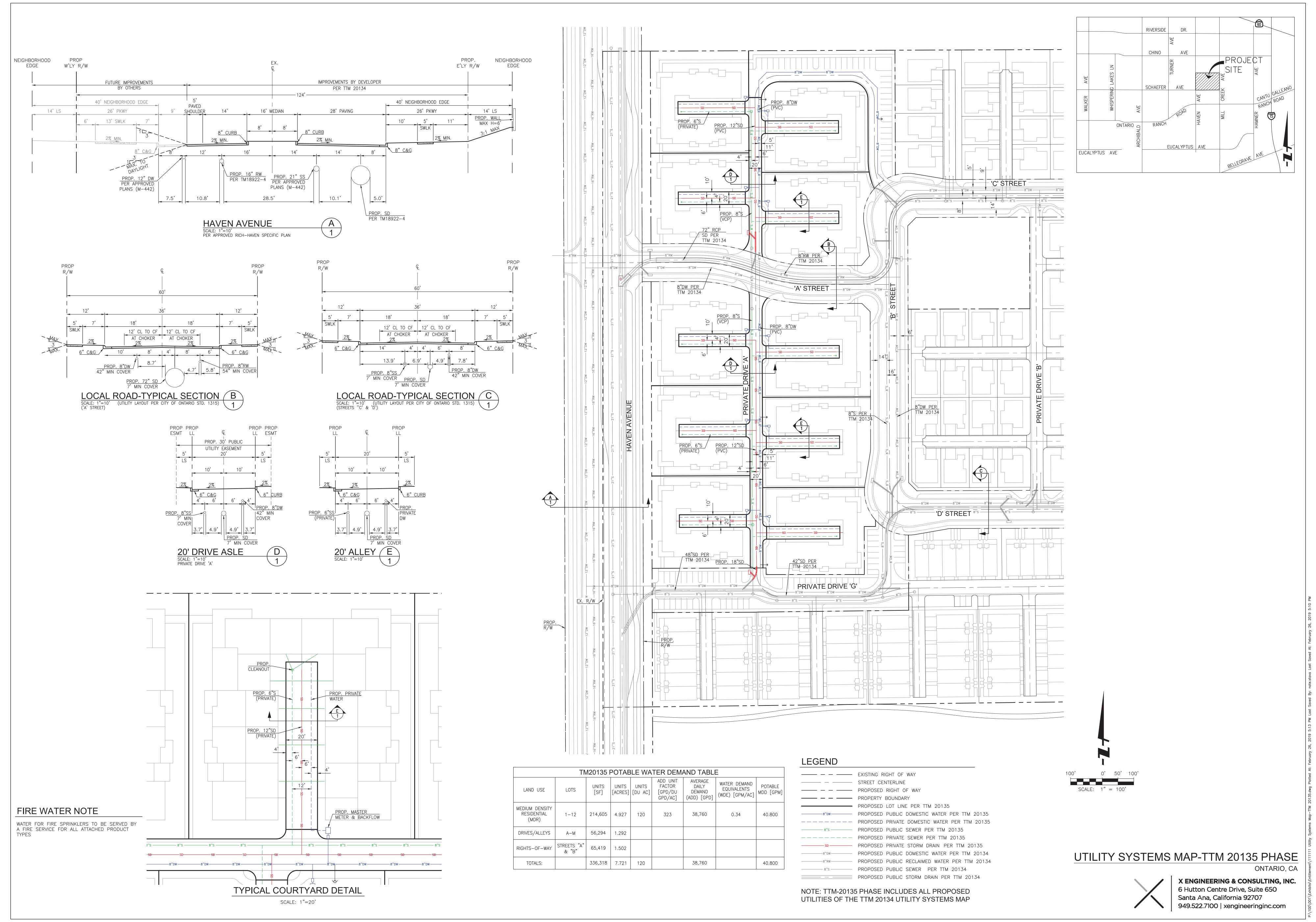
1.	A copy of this check list
2.	□ Payment of fee for Plan Checking
3.	○ One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.
4.	○ One (1) copy of project Conditions of Approval
5.	☑ Two (2) sets of Potable Water demand calculations (include water demand calculations 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.	
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 or PUE (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 Man/Parcel Man

Project File No. TM20135/PMTT17-014 Project Engineer: Naiim Khoury Date: April 15, 2019



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







CITY OF ONTARIO MEMORANDUM

TO: Lorena Mejia, Senior Planner

Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: November 21, 2017

SUBJECT: PMTT17-014 – A Tentative Tract Map to subdivide 6.22 gross acres of

land into 10 numbered lots and 13 lettered lots, located near the northeast corner of Schaefer Avenue and Haven Avenue, within the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). Related File(s): (1 ¿A; Map 20134, 3 ¿B; Maps- 20135, 20136, 20137).

☐ The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2013 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Various

D. Number of Stories: Two Story

E. Total Square Footage: Various

F. 2013 CBC Occupancy Classification(s): R-3, U

CONDITIONS OF APPROVAL:

1.0 GENERAL

- I.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, click on "Fire Department" and then on "Standards and Forms."
- ∑ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.

3.0 WATER SUPPLY

- ⊠ 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.

4.0 FIRE PROTECTION SYSTEMS

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.
- ∑ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ∑ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

Department	Signa	ture	Title	Date
DOLICE		Sore	MANAGENERT	"/s/a
	The conditions contained in the Development Advisory Board.	attached report m	ust be met prior to scheduling for	
The pla	n does not adequately address th			
	Standard Conditions of Approva	l apply		
	Report attached (1 copy and en	nail 1 copy)		
	No comments			
The pla	n does adequately address the de	epartmental conce	rns at this time.	
numbered lo	DESCRIPTION: A Tentative Tract its and 13 lettered lots, located no nin the Planning Areas 5A through (s): (1 ¿A¿ Map 20134, 3 ¿B¿ Ma	ear the northeast c n 5D of the Rich H	orner of Schaefer Avenue and Haven aven Specific Plan (APN(s): 0218-161-01).	
	Only Zoning Administrator action	n is required		
	DAB, Planning Commission and	City Council action	ns are required	
	Only Planning Commission action	on is required		
V	Both DAB and Planning Commi	ssion actions are r	equired	
The following your DAB re	g project has been submitted for a port to the Planning Department I Only DAB action is required	review. Please se by Tuesday, Nove	nd one (1) copy and email one (1) copy of mber 21, 2017.	
SUBJECT:	FILE #: PMTT17-014		ance Acct#:	
DATE:	November 07, 2017		A 414.	
FROM:	Lorena Mejia, Senior Plani	iei		
	Sheldon Yu, Municipal Utility Co Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief Jay Bautista, T. E., Traffic/Trans Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPD Joe De Sousa, Supervising code Jimmy Chang, IT Department David Simpson, IT Department	mpany /Fire Marshal sportation Manage ES e Enforcement Off (Copy of memo on	icer	
TO:	Hassan Haghani, Development Scott Murphy, Assistant Develop Cathy Wahlstrom, Principal Plar Charity Hernandez, Economic D Kevin Shear, Building Official Khoi Do, Assistant City Enginee Carolyn Bell, Landscape Planning	oment Director (Conner (Copy of memorevelopment	opy of memo only) io only)	

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

Sign Off

12/6/17
Carolyn Bell, Sf. Landscape Planner
Date

DAB CONDITIONS OF APPROVAL

303 East "B" Street, Ontario, CA 91764

Phone: Reviewer's Name: Carolyn Bell, Sr. Landscape Planner (909) 395-2237 D.A.B. File No.: Related Files: Case Planner: PMTT17-014 Lorena Mejia Project Name and Location: Richland Planning Areas 5A - 5D TM 20135 NEC of Schaefer and Haven Aves Applicant/Representative: Richland Communities - Craig Cristina CCHRISTINA@RICHLANDCOMMUNITIES.COM 3161 Michelson Dr. Ste 425 Irvine, CA 92612 A Tentative Tract Map (dated 11/6/17) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. A Tentative Tract Map (dated) has not been approved. Corrections noted below are required prior to DAB approval. NO CORRECTIONS REQUIRED

IO CONNECTIONS NEQUINED

On Grading or Utility construction plans, note:

- 1. Residential driveways shall be max 16' wide w/ 3' wide wings for 6" high curbs and 4' wide for 8" curbs.
- 2. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- 3. Connect downspouts to lot drainage system or in planter areas add 12" deep rip rap infiltration sumps at downspouts or splash guards.
- 4. Show infiltrating catch basins with two ¾" dia. holes in bottom set on 12" square of filter fabric wrapped gravel, located 5' or greater from buildings and 24" from sidewalk, add detail.
- 5. Show or note transformers shall be located in planter areas, not turf, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade. Coordinate with landscape plans.
- 6. Show or note backflow devices shall be located in planter areas, not turf, and set back min 3' from paving Locate on level grade. Coordinate with landscape plans.
- 7. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines, light standards to the minimum spacing to allow space for street trees.
- 8. Show light standards 15' away from required tree locations.
- 9. Show on plans step outs at parking spaces adjacent to planters; 12" wide curb, 12" of compacted decomposed granite or pavers adjacent to the 6" curb.
- 10. Show wall openings for secondary overflow detail to max 4" wide.
- 11. Provide a solid surface path from driveway to side yard gate for entry and trash bin access.
- 12. Show on plans: all AC units shall be located in single family side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side shall be added for access.
- 13. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
- 14. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO:	Hassan Haghani, Development Director Scott Murphy, Assistant Development Director (Co Cathy Wahlstrom, Principal Planner (Copy of memory Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Sheldon Yu, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES Joe De Sousa, Supervising code Enforcement Official Jimmy Chang, IT Department David Simpson, IT Department (Copy of memo onit	conly)				
FROM:	Lorena Mejia, Senior Planner					
DATE:	November 07, 2017					
SUBJECT:	FILE #: PMTT17-014 Fina	nce Acct#:				
your DAB re Note:	ng project has been submitted for review. Please senteport to the Planning Department by Tuesday, Nover Only DAB action is required Both DAB and Planning Commission actions are recommondated. Only Planning Commission action is required DAB, Planning Commission and City Council action. Only Zoning Administrator action is required. DESCRIPTION: A Tentative Tract Map to subdivide 6	nber 21, 2017. equired ens are required				
numbered to Avenue, with	lots and 13 lettered lots, located near the northeast continue thin the Planning Areas 5A through 5D of the Rich Hae(s): (1 ¿A¿ Map 20134, 3 ¿B¿ Maps- 20135, 20136,	rner of Schaefer Avenue and Haven ven Specific Plan (APN(s): 0218-161-01).				
The plan	The plan does adequately address the departmental concerns at this time. No comments					
X	Report attached (1 copy and email 1 copy)					
	Standard Conditions of Approval apply					
The plan	an does not adequately address the departmental cor					
	The conditions contained in the attached report mu Development Advisory Board.	st be met prior to scheduling for				

Broadband Operations

Anna Vaca, Sr. Systems Analyst
Signature Title

12/11/2017

Department

Signature

Date

CITY OF ONTARIO BROADBAND OPERATIONS 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL						
Sign Off						
Fiber Team	12/11/2017					

Review	er's Name			Phone		
Ann	a Vaca	a, Sr.	Systems Analyst	909-395-2349		
File #				Project Engineer:		
PMT	T17-0	14 (T	M 20135, 20136, 20137)	Naiim Khoury		
Project	Name and	Location	on:			
Tent	ative T	ract	Map to subdivide 6.22 gross acres near the northeast of	orner of Schaefer		
		d Ha	ven Avenue within Planning Areas 5A-5D of Rich Have	n Specific Plan		
Sent to						
Naıır			Engineering Department			
			adequately address the departmental concerns at this time.			
\boxtimes	Plan	does	adequately address the departmental concerns at this time.	See report below.		
			not adequately address the departmental concerns. The coret prior to scheduling for Development Advisory Board.	nditions contained below		
Notes Req'd on Plans	CONE	OITIO	NS OF APPROVAL - PMTT17-014 (TM 20135, 20136, 20137)			
		1.	Project shall be designed and constructed to provide access to the City's per the City's Fiber Optic Master Plan. Building entrance conduits shall shand hole in the Right-of-Way (ROW) and shall terminate in the main telebuilding. Conduit infrastructure shall interconnect with the primary and/o conduit system at the nearest OntarioNet hand hole.	start from the closest OntarioNet ecommunications room for each		
		2.	Contractor is responsible for locating and connecting conduit to existing adjacent properties. There should be no "Gaps" in conduit between the adjacent property. OntarioNet hand holes are typically located in the RO property.	contractor's development and the		
	4. 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. When private alleys are utilized for utilities, fiber optics conduit should be placed in a joint trench with telecommunications.					
		5.	ROW Conduit - Design and Install all Fiber Optic Conduit at a Minimum I Per City Standard 1306. (1) 7-way Microduct (Duraline - Orange) 13/16r 11 (Smoothwall) roll pipe (Orange) duct. Conduit(s) between ROW hand property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) of hand holes and hand holes on private property shall be 2-inch HDPE SD (Orange) duct.	nm tubes and (1) 2" HDPE SDR- holes and hand holes on private duct. Conduit(s) between ROW		

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Notes Req'd on Plans	CONE	OITIOI	NS OF APPROVAL - PMTT17-014 (TM 20135, 20136, 20137)
		6.	Building Entrance (Multi-family and Commercial) - 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.
		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.	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.
		9.	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. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.
\boxtimes	\boxtimes	10.	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.
×		11.	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.
		12.	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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
		13.	A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
		14.	Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
	\boxtimes	15.	All hand holes, conduits and ducts shall be placed in the public right of way.
		16.	Multi-family dwellings are considered commercial property.
		17.	Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
	\boxtimes	18.	Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
	\boxtimes	19.	For additional information please refer to the City's Fiber Optic Master Plan.
		20.	Please see attached corrections.
		21.	Please provide plans in digital format (PDF) on future revisions.

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RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-015, A TENTATIVE TRACT MAP TO SUBDIVIDE 8.52 ACRES OF LAND INTO 100 NUMBERED LOTS AND 20 LETTERED LOTS FOR RESIDENTIAL, PRIVATE STREETS AND LANDSCAPE NEIGHBORHOOD EDGES FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREAS 5A AND 5C (RESIDENTIAL – SMALL LOT SFD) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-01.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT17-015, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 8.52 acres of land generally located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A and 5C (Residential – Small Lot SFD) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4C (Small Lot SFD) and 3 (Park) of the Rich Haven Specific Plan, and is presently vacant. The property to the east is within the Specific Plan (Agricultural Overlay) zoning district, and is developed with an SCE Substation. The property to the south is within the within the Mixed Use District Planning Areas 6A and 6B of the Rich Haven Specific Plan, and is presently mass graded and vacant. The property to the west is within Planning Area 8 – Residential (4,250 SF Lots) of the West Haven Specific Plan, and is developed with residential subdivision; and

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

WHEREAS, the proposed Tentative Tract Map File No. PMTT17-015 (TT20136) will subdivide 8.52 gross acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and

WHEREAS, PMTT17-015 is one of three "B" Maps (PMTT17-014 (TTM 20135) and PMTT17-016 (TTM 20137)) that were processed concurrently with the project's "A" Map (PMTT17-013 -TT20134); and

WHEREAS, the "A" Map subdivides the overall project area to facilitate future land uses, backbone infrastructure improvements (major streets, sewer, water and storm drain facilities) and subsequent tentative maps "B" Maps that further subdivide the same parcel of land; and

WHEREAS, PMTT17-015 (B Map) will allow for the development of the 8-Pack Clusters and further subdivide Lots 2 and 3 of PMTT17-013 (A Map). The 8-Pack Clusters will be located near the northwest corner of the project site, adjacent to the Court Town Homes; and

WHEREAS, PMTT17-015 will create a total of 100 units with lot sizes ranging from 2,700 to 4,459 square feet. The proposed lot sizes meet the 2,000 square foot minimum requirements of the Rich Haven Specific Plan; and

WHEREAS, the proposed 20 lettered lots will facilitate the alleys, drive aisles, and open space requirements; and

WHEREAS, the "A" Map will provide one access point from Haven Avenue and one access point from Mill Creek Avenue to serve the overall project site. The "A" Map will provide the interior tract streets and private lanes that will serve the proposed "B" Map (PMTT17-015); and

WHEREAS, a parking plan was completed and demonstrates there is sufficient parking to serve the "A" Map and subsequent "B" Maps. The "A" Map requires a total of 1,588 parking spaces, in which 1,316 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 2,368 spaces will be provided, exceeding the minimum requirements by 780 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.4 parking spaces per unit; and

WHEREAS, the "A" Map will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 4.7 acres of parkland. To satisfy the park requirement, the applicant is constructing a central neighborhood park comprised of two parcels totaling 2.05 acres, a 1.26 acre secondary neighborhood park located within the eastern half of the site, a 0.64 acre pocket park on the western half of the site, and a 1.00 acre dog park located along the eastern property line, totaling 4.95 acres; and

WHEREAS, CC&R's are required to be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas,

recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the ongoing maintenance of the common areas and facilities; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-009, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and Addendums and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and Addendums and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously analyzed in an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

<u>SECTION 2</u>: **Subsequent or Supplemental Environmental Review Not Required.** Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the

preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or
- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3: **Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

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

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

The proposed Tentative Tract Map is consistent with the goals, (1) policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space - Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 Complete Community).

- (2)The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space – Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:
- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb." (Policy CD2-2 Neighborhood Design).
- (3) The site is physically suitable for the type of development proposed. The project site meets the minimum lot area and dimensions of Planning Areas 5A and 5C (Small Lot SFD) of the Rich Haven Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.
- (4) The site is physically suitable for the density/intensity of development proposed. The project site is proposed for residential development at a density of 11.8 DUs/acre. The project site meets the minimum lot area and dimensions of the Rich Haven Specific Plan, and is physically suitable for this proposed density/intensity of development.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an

area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the related residential infrastructure improvements proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.
- (7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<u>SECTION 6</u>: *Planning Commission Action*. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *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.

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

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The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution File No. PMTT17-015 April 23, 2019 Page 10 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019, by the following roll call vote, to wit: AYES: NOES: ABSENT: ABSTAIN: Gwen Berendsen Secretary Pro Tempore

ATTACHMENT A:

File No. PMTT17-015 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PMTT17-015 (TT20136)

Related Files: PMTT17-013, PMTT17-014 and PMTT17-016

Project Description: A Tentative Tract Map (File No. PMTT17-015) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges, for a property located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A and 5C (Residential – Small Lot SFD) of the Rich Haven Specific Plan; (APN: 0218-161-01) **submitted by Richland Communities.**

Prepared By: Lorena Mejia, Senior Planner

Phone: 909.395.2276 (direct) Email: Imejia@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

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

2.2 Subdivision Map.

- (a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(b)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

Planning Department; Land Development Division: Conditions of Approval

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

2.3 <u>Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance</u> Agreements.

- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- **(g)** A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.4 Disclosure Statements.

- (a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:
- (i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.
- (ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.
- (iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

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

2.5 Environmental Review.

- (a) The environmental impacts of this project were previously reviewed in conjunction with an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- **(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- **2.6** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 Additional Fees.

- (a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.8 Additional Requirements.

- (a) All applicable conditions of approval of Development Agreement (File No. PDA18-005) and PMTT17-013 (TT 20134) shall apply to this tract.
- **(b)** All applicable conditions of approval of the Rich Haven Specific Plan shall apply to this tract.
 - (c) Off-Site Subdivision Signs.

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

- (d) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.
- **(e)** The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: Address: APN: Existing Land Use: Proposed Land Use: Site Acreage: ONT-IAC Project Airport Influence	Reviewed By: Lorena Mejia Contact Info: 909-395-2276 Project Planner: Lorena Mejia Date: 12/12/17 CD No.: 2017-085 PALU No.: n/a					
Ti	ne project is	impacted by the follow	ving ONT ALUCP Compa	tibility Zones:		
Safe	ty	Noise Impact	Airspace Protection	Overflight Notification		
Zone 1 Zone 1A Zone 2 Zone 3 Zone 4 Zone 5	The project	75+ dB CNEL 70 - 75 dB CNEL 65 - 70 dB CNEL 60 - 65 dB CNEL	High Terrain Zone FAA Notification Surfaces Airspace Obstruction Surfaces Airspace Avigation Easement Area Allowable Height: 200 ft +	Avigation Easement Dedication Recorded Overflight Notification Real Estate Transaction Disclosure		
Zone 1	Zone		Zone 4 Zone			
Allowable Heig						
Allowable Heig						
		CONSISTENCY	DETERMINATION			
This proposed Project is: Exempt from the ALUCP Consistent • Consistent with Conditions Inconsistent						
The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. See attached Real Estate Transaction Disclosure condition:						
Airport Planner S	Signature:	Lanen	Majre			

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2017-085
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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

CITY OF ONTARIO MEMORANDUM

	TO:	PLANNING DEPARTMENT, Lorena Mejia
FROM:		BUILDING DEPARTMENT, Kevin Shear
DATE:		November 14, 2017
SUBJECT:		PMTT17-015
\boxtimes	The p	plan does adequately address the departmental concerns at this time.
		No comments
	\boxtimes	Report below.
		Conditions of Approval

KS:lm

1. Standard Conditions of Approval apply.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER		EL MAP 🖂	TRACT MAP URPOSES					
PROJECT FILE NO. TM20136/PMTT17-015 (B-MAP)								
RELATED FILE NO(S). <u>TM20134/PMTT17-013</u> (A-MAP)								
ORIGINAL REVISED: _/_/_								
CITY PROJECT ENGINEER 8	PHONE NO:	Naiim Khoury, A	ssociate Engineer					
CITY PROJECT PLANNER &	PHONE NO:	(909) 395-2152 Lorena Mejia, Senior Planner (909) 395-2429						
DAB MEETING DATE:		April 15, 2019						
PROJECT NAME / DESCRIPT	FION:	subdivide 8.52 a 100 numbered ar	ative Tract Map to cres of land into nd 20 lettered lots					
LOCATION:			of Haven Avenue					
APPLICANT:		and Schaefer Ave Richland Commun						
REVIEWED BY:		Doct	4/10/19					
APPROVED BY:	•	Bryan Lirley, P.E. Principal Enginee Raymond Lee, P.E. Assistant City Eng	For 4/10/19 Date					

Last Revised: 4/9/2019

Date: April 15, 2019



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT PLUS ALL THE CONDITIONS AND REQUIREMENTS SPECIFICED IN TENTATIVE TRACT MAP 20134/A-MAP, RICH HAVEN SPECIFIC PLAN AND THE DEVELOPMENT AGREEMENT.

1.	PRIC	TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check When Complete	
	1.01	Dedicate to the City of Ontario in fee simple the right-of-way, described below:	
\boxtimes	1.02	Dedicate to the City of Ontario, the following easement(s):	
		a) A minimum of 30-foot wide public utility easement in the private drive aisles (Lots F and G) for water, sewer, fiber optic, emergency access and solid waste collection purposes. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		b) A minimum of 20-foot wide public utility easement in the private alleys (Lots A through E and Lots H through O) for water, sewer, fiber optic and emergency access. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		c) A minimum of 20-foot wide public utility easement on Lots 40, 41, 48, 49, 56, 57, 64, 65, 72, 73, 80, 81, 88, 89, 96 and 97 for water purposes to loop the water system.	
	1.03	Restrict vehicular access to the site as follows:	
	1.04	/acate the following street(s) and/or easement(s):	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	
	1.06	Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility or all common access improvements, common facilities, parking areas, utilities, median and andscaping 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.	
		Also, the CC&R document shall include the following provisions:	
		d) Common Use and Private Utilities: Identify all common use/private utility systems and solid waste collection facilities and detail the Operations and Maintenance of these facilities.	
		 Repair of Private Pavement: In the event that private pavement replacement is needed due to the repair of any public utilities within PUEs, the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.). 	
		f) Solid Waste Collections: The Solid Waste Handling Plan, shall be included in the	

Date: April 15, 2019



CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan. The developer/applicant shall prepare and provide a Home Buyer Disclosure exhibit to each lot that shows the individual lot and the location that is designated for its Solid Waste Collection. 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. 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement. (2) 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with \bowtie accompanying security as required, or complete all public improvements. Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved \boxtimes cost estimate spreadsheet (available for download on the City's website: 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. File an application, together with an initial deposit (if required), to establish a Community \boxtimes 1.12 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. X 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). \boxtimes 1.14 Other conditions: Reserve private easement for pedestrian access on all residential lots that are located adjacent to driveways in the drive aisles to accommodate for meandering sidewalk and



ADA compliance, as required.

b) The applicant/developer shall provide notarized letter from the adjacent property owners (Brookfield Residential and Southern California Edison) for right of entry and grading operations.

2.	PRIO	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:				
	A. GENERAL (Permits includes Grading, Building, Demolition and Encroachment)					
\boxtimes	2.01	Record Tract Map No. 20136 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.				
\boxtimes	2.02	Submit a duplicate photo mylar of the recorded map to the City Engineer's office.				
	2.03	Note that the subject parcel is a recognized parcel in the City of Ontario per				
	2.04	Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of				
	2.05	Apply for a: ☐ Certificate of Compliance with a Record of Survey; ☐ Lot Line Adjustment				
		☐ Make a Dedication of Easement.				
	2.06	Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.				
	2.07	For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com/), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .				
\boxtimes	2.08	Submit a soils/geology report.				
\boxtimes	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 for any work encroaching into their easement(s)/property.				

Project File No. TM20136/PMTT17-015 Project Engineer: Naiim Khoury Date: April 15, 2019



	2.10	Dedicate to the City of Untario the right-of-way described below:	
		feet on	
		Property line corner 'cut-back' required at the intersection ofand	
	2.11	Dedicate to the City of Ontario the following easement(s):	
\boxtimes	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.	
		No ground water shall be used for grading, construction, or other purposes without expressed authorization from the City through a "Well Water Use Agreement" between the City and the Developer/applicant.	
		☑ 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.	
		The maximum slopes must be 3:1 and must be located within the tract limits not on the adjacent properties. Also, the maximum allowable delta elevation at the property line between finish elevation and existing ground of adjacent property shall be 3 feet. It is the applicant/developer's responsibility to obtain temporary easements from the adjacent properties owners for any work beyond this tract boundaries.	
	2.13	Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.	
\boxtimes	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.	
\boxtimes	2.15	Pay all Development Impact Fees (DIF) to the Building Department.	
П	2.16	Other conditions:	

 \boxtimes



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

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	PUE in Private Drive Aisles and Private Alleys (Lots A-O)	Public Streets B,C,D &F		
Curb and Gutter	New; ft. from C/L Replace damaged Remove and replace	ft. from C/L Replace damaged Remove	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace
AC Pavement	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach	New Remove and replace replace	New Remove and replace	New Remove and replace replace	New Remove and replace replace
Sidewalk	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
ADA Access Ramp	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Parkway	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)

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Raised Landscaped Median	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Fire Hydrant	New Relocation	New Relocation	New Relocation	New Relocation
Sewer (see Sec. 2.C)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Water (see Sec. 2.D)	Main Service	Main Service	Main Service	Main Service
Recycled Water (see Sec. 2.E)	Main Service	Main Service	Main Service	Main Service
Traffic Signal System (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Traffic Signing and Striping (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Street Light (see Sec. 2.F)	New Relocation	New Remove and replace	New Remove and replace	New Remove and replace
Bus Stop Turn- out (see Sec. 2.F)	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and replace
Storm Drain (see Sec. 2G)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Fiber Optics (see Sec. 2K)	Conduit / Appurtenances	Conduit / Appurtenance s	Conduit / Appurtenances	Conduit / Appurtenances
Overhead Utilities	Underground Relocate	Underground Relocate	Underground Relocate	Underground Relocate
Removal of Improvements				



lmp	Other				
Specifi	c notes for improvements listed in Section 2:				
a)	<u>Final Utility Systems Map (USM):</u> The Tract Map shall follow the TTM20136 USM, dated 02/26/2019, and any deviation from this plan shall require the USM to be updated and resubmitted to OMUC for review and approval. A Final USM shall be submitted for review and approval with the Potable Water, Recycled Water, and Sewer Improvement Plans.				
b)	Any City of Ontario public utilities that will not be installed within the public right-of- way, shall be installed within dedicated Public Utility Easement (PUE). See item 1.02 for additional details.				
c)	the PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures;				
d)	The PUE surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.				
e)	The applicant/developer shall be responsible to design and construct full in-tract public improvements.				
f)	The SCE easement corridor between Haven Avenue and "F" Street shall be improved in accordance with the Rich Haven Specific Plan including but not limited to the following: multi-purpose trail (MPT), enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.				
g)	All drive aisles and alley ways shown on this map are private to be maintained by the HOA. All improvements within these drive aisles and alley ways will be privately maintained except for water, sewer and fiber optic within the PUE limits.				
h)	The public and private improvements constructed within this tentative tract map shall be maintained through the combination of public and private entities as described in Section 8.5 and Table 8-4, "Maintenance Responsibilities" of Rich Haven Specific Plan.				
Constru	ct a 2" asphalt concrete (AC) grind and overlay on the following street(s):				
1011, m	truction of the full pavement structural section, per City of Ontario Standard Drawing number hay be required based on the existing pavement condition and final street design. Minimum reconstruction shall be along property frontage, from street centerline to curb/gutter.				
sewe	rrangements with the Cucamonga Valley Water District (CVWD) to provide water service er service to the site. This property is within the area served by the CVWD and Applicant shall documentation to the City verifying that all required CVWD fees have been paid.				
Overhe	Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).				

Other conditions:

2.18

2.19

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	C. SE	WER	
	2.23	A 21-inch sewer main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: S15987-15997). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately feet away.	
	2.25	Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.	
\boxtimes	2.26	Other conditions:	
		a) Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations: The Tract Map sewer mains design shall follow the TTM20134 SSAMP, dated 02/12/2019, and any deviation from this design shall require the SSAMP to be updated and resubmitted to OMUC for review and approval.	
		b) Install 8-inch sewer mains throughout Tract Map Lots 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', and 'O' sufficient to connect phased units with a point of connection to the 21-inch sewer main in Haven Avenue and Lot "M" of TTM20134. See TTM20136 Utility Systems Map, dated 02/26/2019.	
	D. WA	TER TOTAL TO	
	2.27	A 12-inch water main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: W15921-W15931). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	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.	
\boxtimes	2.29	Other conditions:	
		a) Install 8-inch 925 PZ potable water mains throughout Tract Map Lots 'A', 'B', 'C', 'D', 'E', with a looped water system through Lots 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', and 'O' with a point of connection to the 12-inch 925 PZ potable water main in Haven Avenue at 'A' Street & Lot "M" of TTM20134. See TTM20136 Utility Systems Map, dated 02/26/2019	
	E. RE	CYCLED WATER	
	2.30	A 16-inch recycled water main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: P11673-11678). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	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.	
\boxtimes	2.33	Prior to Precise Grading Plan Approval Submit the followings:	
		a) 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.	

Date: April 15, 2019



b) Submit an Engineering Report (ER) to the City detailing recycled water usage to OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval for review and approval. Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company (OMUC) at (909) 395-2647 regarding this requirement. \boxtimes 2.34 Other conditions: 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 for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the Tract to meet this requirement, as approved by the City. b) Install 8-inch 930 PZ recycled water mains throughout Tract Map interior streets sufficient to connect all HOA parks and HOA maintained landscaped areas with a point of connection to the 16-inch 930 PZ recycled water main in Haven Avenue at 'A' Street See TTM20135 Utility Systems Map, dated 02/26/2019 for additional details. F. TRAFFIC / TRANSPORTATION 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: 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 New traffic signal installations shall be added to Southern California Edison (SCE) customer account 2.36 number # 2-20-044-3877. 2.37 \boxtimes Other conditions: a) All alleys shall be constructed in accordance with the City of Ontario Standard Drawing No.'s 1111, 1112 and 1113. G. DRAINAGE / HYDROLOGY 2.38 A 72-inch storm drain main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: storm drain plan bar code: D13679-13689). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue. 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer \boxtimes 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 predevelopment 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. The applicant/developer shall submit to the Engineering Department the necessary studies, reports and mitigation measures to address the ultimate historic drainage flows from the adjacent properties to the north and east of this tract for review and approval. If existing historic drainage flows is used in the



		drainage studies in-lieu of the ultimate, then the applicant must submit notarized acknowledgment letters from the adjacent property owners to guarantee that the existing berms, swales and natural barriers will not be removed or altered to disrupt the existing historic flows without prior approval from the City.	
	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.	
\boxtimes	2.43	Other conditions:	
		 Any proposed storm drain improvements in the private drive aisles and alleys shall be private (Lots A through M). 	
	H. ST (NPDE	ORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM ES)	
	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.	
\boxtimes	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 .	
\boxtimes	2.46	Other conditions:	
	J. SPI	ECIAL DISTRICTS	
	2.47	File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.	
	2.48	Other conditions:	
	K. FIB	ER OPTIC	
\boxtimes	2.49	Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located in Haven Avenue at Schaefer Avenue.	
\boxtimes	2.50	Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the	

Date: April 15, 2019



Information Technology Department at (909) 395-2000, regarding this requirement.

Other conditions:

- The applicant/developer shall provide fiber optic connection to each home unit per city standards and guidelines.
- b) OntarioNet fiber optic plans must be designed and approved at the same time as other improvement plans.
- c) 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.
- d) Hand holes Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 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. Handholes shall be used when there is a cluster of three or more units that share a common driveway.
- e) 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. When private alleys are utilized for utilities, fiber optics conduit should be placed in a joint trench with telecommunications.
- f) Building Entrance (Multi-family and Commercial) 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.
- g) 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.
- h) 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. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
- 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.
- j) 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.



- k) 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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
- A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
- m) All hand holes, conduits and ducts shall be placed in the public right of way or PUE.
- Public fiber optic system in the drive aisles and alleys shall require PUE dedication as identified in item 1.02.
- o) Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance
- p) For additional information please refer to the City's Fiber Optic Master Plan.

	L. Sol	id Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
\boxtimes	2.52	Other conditions:	
		a) Solid Waste Collections: The Developer shall provide the buyers of Lot 2, and any lots located more than 250 linear feet from the can collection area an informational disclosure with map exhibit showing the designated can placement locations for	

- located more than 250 linear feet from the can collection area an informational disclosure with map exhibit showing the designated can placement locations for collections for these lots, based upon the designated collections locations on the Solid Waste Handling Plan, revision 2/12/2019. This informational disclosure with map exhibit shall be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
- b) Final Solid Waste Handling Plan (SWHP): The Tract Map shall follow the TTM20134 SWHP, dated 02/12/2019, and any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval. A Final SWHP shall be submitted for review and approval with the Precise Grading Plan
- c) Any park with a recreation center or building will require commercial waste collection service with a trash enclosure and bins, unless otherwise approved by the City.



3.	PRIO	R TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:	
\boxtimes	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.	
\boxtimes	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.	
\boxtimes	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, studie and reports (i.e. hydrology, traffic, WQMP, etc.).	



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

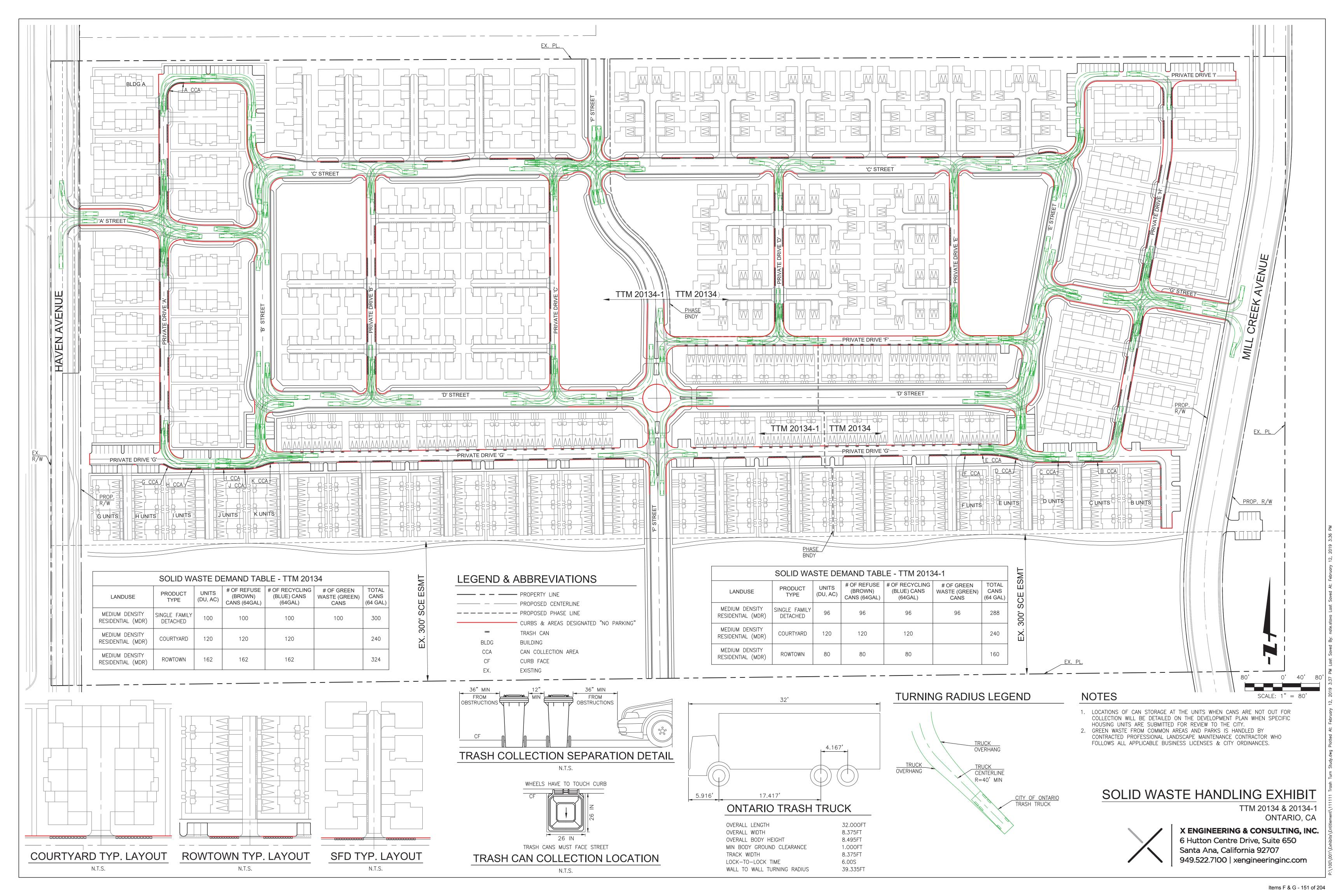
TM20136/PMTT17-015

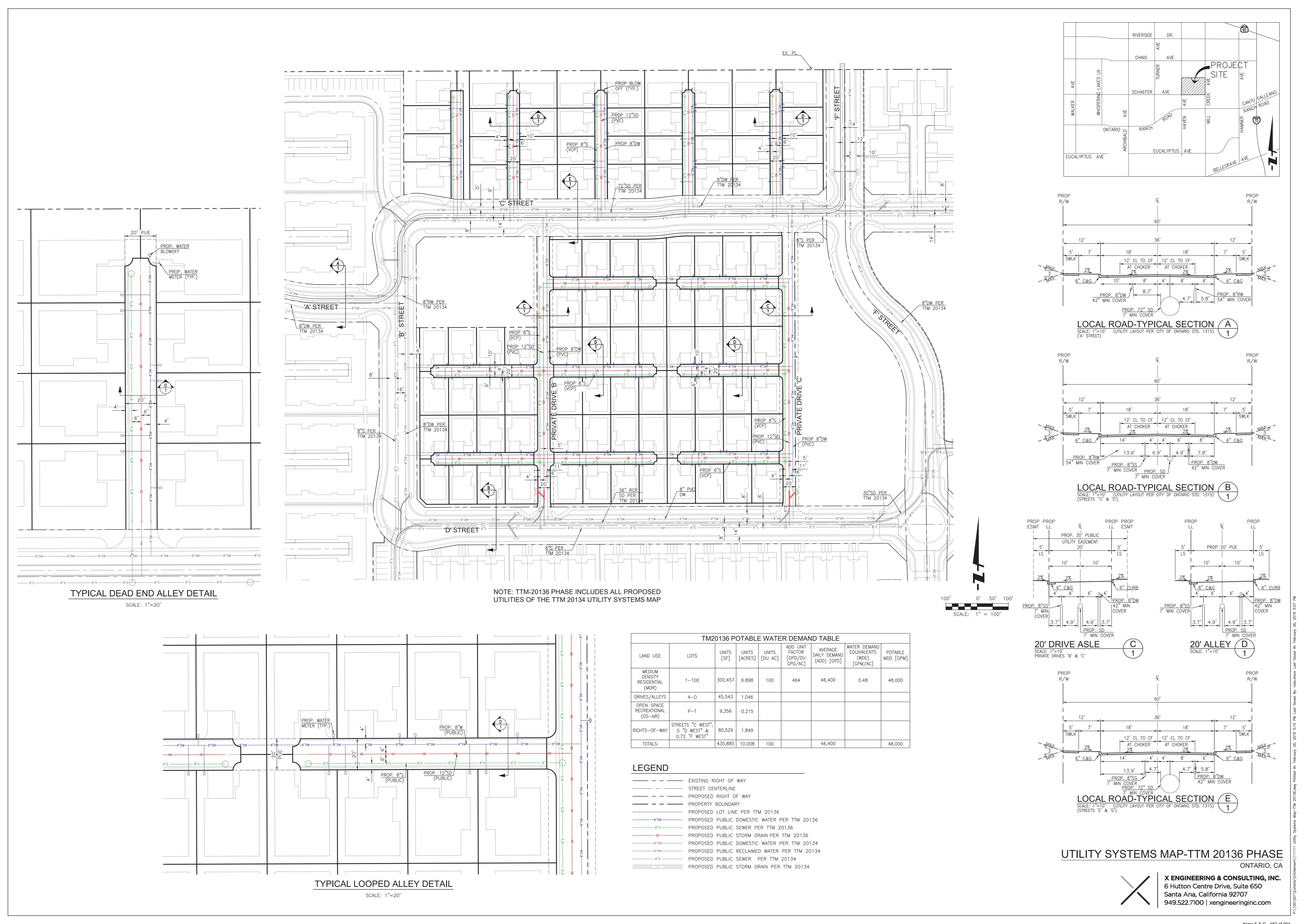
The following iter	ns are required to	be included with	the first plan	check submittal:
--------------------	--------------------	------------------	----------------	------------------

1.	
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 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.	
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 or PUE (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

Date: April 15, 2019









CITY OF ONTARIO MEMORANDUM

TO: Lorena Mejia, Senior Planner

Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: November 19, 2017

SUBJECT: PMTT17-015 – A Tentative Tract Map to subdivide 8.52 gross acres of

land into 100 numbered lots and 16 lettered lots, located near the northeast corner of Schaefer Avenue and Haven Avenue, within the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). Related File(s): (1 ¿A; Map 20134, 3 ¿B; Maps- 20135,

20136, 20137).

The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2013 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Various

D. Number of Stories: Two Story

E. Total Square Footage: Various

F. 2013 CBC Occupancy Classification(s): R-3, U

CONDITIONS OF APPROVAL:

1.0 GENERAL

- I.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, click on "Fire Department" and then on "Standards and Forms."
- ∑ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.

3.0 WATER SUPPLY

- ≥ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ≥ 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

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.
- ∑ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ∑ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

TO:	Hassan Haghani, Development Director Scott Murphy, Assistant Development Director (Copy of memo only) Cathy Wahlstrom, Principal Planner (Copy of memo only) Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Sheldon Yu, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES Joe De Sousa, Supervising code Enforcement Officer Jimmy Chang, IT Department David Simpson, IT Department (Copy of memo only)				
FROM:	Lorena Mejia, Senior Planner				
DATE:					
SUBJECT:	FILE #: PMTT17-015 Finance Acct#:				
	g project has been submitted for review. Please send one (1) copy and email one (1) copy of port to the Planning Department by Tuesday, November 21, 2017 .				
Note:	Only DAB action is required				
ᆜ	Both DAB and Planning Commission actions are required				
<u> </u>	Only Planning Commission action is required				
	DAB, Planning Commission and City Council actions are required				
	Only Zoning Administrator action is required				
Avenue, withi	ESCRIPTION: A Tentative Tract Map to subdivide 8.52 gross acres of land into 100 s and 16 lettered lots, located near the northeast corner of Schaefer Avenue and Haven in the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). s): (1 ¿A¿ Map 20134, 3 ¿B¿ Maps- 20135, 20136, 20137).				
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.				
DOUGE	MORAURATER				
Department	Signature Title Date				
	Date				

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

Sign Off

3/13/18
Carolyn Bell, Sr. Landscape Planner Date

DAB CONDITIONS OF APPROVAL

303 East "B" Street, Ontario, CA 91764

Review	Reviewer's Name: Phone:				
Caro	Carolyn Bell, Sr. Landscape Planner (909) 395-2237				
D.A.B.	File No.: Related Files:	Case Planner:			
PMTT	T17-015 Rev 1	Lorena Mejia			
Project	Name and Location:				
Richla	and Planning Areas 5A – 5D				
TM 20	0136				
Applica	ant/Representative:				
Richla	and Communities – Craig Cristina CCHRISTINA@RICHLANDCOMMUI	NITIES.COM			
3161	Michelson Dr. Ste 425				
Irvine,	, CA 92612				
	A Tentative Tract Map (dated 2/5/18) has been approved with the c following conditions below be met upon submittal of the landscap documents.				
	A Tentative Tract Map (dated) has not been approved. Correct required prior to DAB approval.	ions noted below are			
NOC	ORRECTIONS REQUIRED				

On Grading or Utility construction plans, note:

- 1. Residential driveways shall be max. 16' wide with 3' wide wings on each side for 6" high curbs and 4' wide for 8" high curbs.
- 2. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- 3. Connect downspouts to lot drainage system or in planter areas add 12" deep rip rap infiltration sumps at downspouts or splash guards.
- 4. Show infiltrating catch basins with two ¾" dia. holes in bottom set on 12" square of filter fabric wrapped gravel, located 5' or greater from buildings and 24" from sidewalk, add detail.
- 5. Show or note transformers shall be located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade. Coordinate with landscape plans.
- 6. Show or note backflow devices shall be located in planter areas, and set back min 3' from paving Locate on level grade. Coordinate with landscape plans.
- 7. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines, light standards to the minimum spacing to allow space for street trees.
- 8. Show light standards 15' away from required tree locations.
- 9. Show on plans step outs at any parking spaces adjacent to planters; 12" wide curb, 12" of compacted decomposed granite or pavers adjacent to the 6" curb.
- 10. Show wall openings for secondary overflow detail to max 4" wide.
- 11. Provide a solid surface path from driveway to side yard gate for entry and trash bin access.
- 12. Note and show on plans: all AC units shall be located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side shall be added for access.
- 13. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
- 14. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO:	Hassan Haghani, Deve Scott Murphy, Assistar Cathy Wahlstrom, Prin Charity Hernandez, Ed Kevin Shear, Building & Khoi Do, Assistant City Carolyn Bell, Landscap Sheldon Yu, Municipal Doug Sorel, Police Del Paul Ehrman, Deputy & Jay Bautista, T. E., Tra Lorena Mejia, Senior P Steve Wilson, Enginee Joe De Sousa, Superv Jimmy Chang, IT Dep David Simpson, IT Dep	nt Development Direct cipal Planner (Copy of conomic Development of Engineer of Planning Division Utility Company continued the Chief/Fire Marshaffic/Transportation Manner ring/NPDES ising code Enforcement of Planner (Copy of Planner Code	al anager ent Officer	
FROM:	Lorena Mejia, Seni	or Planner		
DATE:	November 07, 2017	7		
SUBJECT:	FILE #: PMTT17-0	15	Finance Acct#:	
Note:	Port to the Planning Depi Only DAB action is requ Both DAB and Planning Only Planning Commiss DAB, Planning Commis Only Zoning Administral ESCRIPTION: A Tentations and 16 lettered lots, lose	artment by Tuesday, arired Commission actions sion action is required sion and City Council for action is required we Tract Map to subdicated near the northe through 5D of the Ri	are required actions are required ivide 8.52 gross acres of land into ast corner of Schaefer Avenue ar ch Haven Specific Plan (APN(s):	o 100 nd Haven
The plan	does adequately addres	s the departmental c	oncerns at this time.	
	No comments			
Report attached (1 copy and email 1 copy)				
	Standard Conditions of A	Approval apply		
The plan	does not adequately add	dress the department	al concerns.	
	The conditions contained Development Advisory B		rt must be met prior to scheduling	; for
Broadban	d Operations	Anna Vaca, :	Sr. Systems Analyst	12/11/2017
Department		Signature	Title	Date

CITY OF ONTARIO BROADBAND OPERATIONS 303 East "B" Street, Ontario, CA 91764

(Orange) duct.

CONDITIONS OF APPROVAL		
Sign Off		
Fiber Team	12/11/2017	

Review	er's Name	9		Phone	
Ann	a Vac	a, Sr	. Systems Analyst	909-395-2349	
File #				Project Engineer:	
		•	ГМ 20134, 20135, 20136, 20137)	Naiim Khoury	
	Name and				
			Map to subdivide 8.52 gross acres near the northeas		
		nd Ha	ven Avenue within Planning Areas 5A-5D of Rich Ha	ven Specific Plan	
Sent to		urv l	Engineering Department		
INGIII	11 1(110	ury, i	ingineering Department		
	Plan	does	adequately address the departmental concerns at this tim	e. No Comments.	
\boxtimes	Plan	does	adequately address the departmental concerns at this tim	e. See report below.	
	Plan does not adequately address the departmental concerns. The conditions contained below must be met prior to scheduling for Development Advisory Board.				
Notes Req'd on Plans	CONI	OITIO	NS OF APPROVAL - PMTT17-015 (TM 20134, 20135, 20136, 2	0137)	
		1.	Project shall be designed and constructed to provide access to the Ci per the City's Fiber Optic Master Plan. Building entrance conduits shand hole in the Right-of-Way (ROW) and shall terminate in the main building. Conduit infrastructure shall interconnect with the primary an conduit system at the nearest OntarioNet hand hole.	all start from the closest OntarioNet telecommunications room for each	
		2.	Contractor is responsible for locating and connecting conduit to existing adjacent properties. There should be no "Gaps" in conduit between the adjacent property. OntarioNet hand holes are typically located in the Exproperty.	he contractor's development and the	
	×	3.	Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively 190116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90 Conduits sweeping into hand holes shall enter in flush with the cut-ou bottom of the box and come in perpendicular to the wall of the box. Conter than parallel. Provide 5 foot minimum clearance from existing/pube used when there is a cluster of three or more units that share	Newbasis Part # PCA-173024- 0146 per City Standard 1316. t mouse holes aligned parallel to the onduits shall not enter at any angle proposed utilities. (Handholes shall	
	\boxtimes	4.	ROW Conduit – Design and install fiber optic conduit at a minimum deper City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) hand holes and hand holes on private property shall be 2-inch HDPE (Orange) duct. When private alleys are utilized for utilities, fiber of a joint trench with telecommunications.	epth of 36-inch. Trenching shall be) roll pipe (Orange) duct and (1) 2-duct. Conduit(s) between ROW SDR-11 (Smoothwall) roll pipe	
		5.	ROW Conduit - Design and Install all Fiber Optic Conduit at a Minimu Per City Standard 1306. (1) 7-way Microduct (Duraline - Orange) 13/11 (Smoothwall) roll pipe (Orange) duct. Conduit(s) between ROW haproperty shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange)	16mm tubes and (1) 2" HDPE SDR- and holes and hand holes on private	

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hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe

Notes Req'd on Plans	CONE	DITIOI	NS OF APPROVAL - PMTT17-015 (TM 20134, 20135, 20136, 20137)
		6.	Building Entrance (Multi-family and Commercial) - 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.
		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.	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.
		9.	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. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.
\boxtimes	\boxtimes	10.	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.
×		11.	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.
		12.	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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
		13.	A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
		14.	Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
\boxtimes	\boxtimes	15.	All hand holes, conduits and ducts shall be placed in the public right of way.
		16.	Multi-family dwellings are considered commercial property.
		17.	Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
	\boxtimes	18.	Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
	\boxtimes	19.	For additional information please refer to the City's Fiber Optic Master Plan.
		20.	Please see attached corrections.
	\boxtimes	21.	Please provide plans in digital format (PDF) on future revisions.

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RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-016, A TENTATIVE TRACT MAP TO SUBDIVIDE 9.10 ACRES OF LAND INTO 18 NUMBERED LOTS AND 12 LETTERED LOTS FOR RESIDENTIAL, ALLEYS, DRIVE AISLES AND PARKING FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREAS 5A, 5C AND 5D (RESIDENTIAL – SMALL LOT SFD) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-01.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT17-016, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 9.10 acres of land generally located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4C (Small Lot SFD) and 3 (Park) of the Rich Haven Specific Plan, and is presently vacant. The property to the east is within the Specific Plan (Agricultural Overlay) zoning district, and is developed with an SCE Substation. The property to the south is within the within the Mixed Use District Planning Areas 6A and 6B of the Rich Haven Specific Plan, and is presently mass graded and vacant. The property to the west is within Planning Area 8 – Residential (4,250 SF Lots) of the West Haven Specific Plan, and is developed with residential subdivision; and

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

WHEREAS, the proposed Tentative Tract Map File No. PMTT17-016 (TT20137) will subdivide 9.10 gross acres of land into 18 numbered lots and 12 lettered lots for residential, alleys, drive aisles and parking; and

WHEREAS, PMTT17-016 is one of three "B" Maps (PMTT17-014 (TTM 20135) and PMTT17-015 (TTM 2013)) that were processed concurrently with the project's "A" Map (PMTT17-013 -TT20134); and

WHEREAS, the "A" Map subdivides the overall project area to facilitate future land uses, backbone infrastructure improvements (major streets, sewer, water and storm drain facilities) and subsequent tentative maps "B" Maps that further subdivide the same parcel of land; and

WHEREAS, PMTT17-016 (B Map) will allow for the development of the Row Town Homes and further subdivide Lots 4, 8 and 9 of PMTT17-013 (A Map). The Row Town Homes will be located near the southwest corner of the project site, north of the SCE Easement and trail; and

WHEREAS, PMTT17-016 will create a total of 18 units with lot sizes ranging from 11,296 to 26,755 square feet and allow for the development of 162 residential units; and

WHEREAS, the proposed 12 lettered lots will facilitate the alleys, drive aisles, and parking; and

WHEREAS, the "A" Map will provide one access point from Haven Avenue and one access point from Mill Creek Avenue to serve the overall project site. The "A" Map will provide the interior tract streets and private lanes that will serve the proposed "B" Map (PMTT17-016); and

WHEREAS, a parking plan was completed and demonstrates there is sufficient parking to serve the "A" Map and subsequent "B" Maps. The "A" Map requires a total of 1,588 parking spaces, in which 1,316 of those parking spaces would be provided within a garage. The parking plan demonstrates that a total of 2,368 spaces will be provided, exceeding the minimum requirements by 780 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways, and within the private drive aisles. The parking plan demonstrates that there will be an average of 3.4 parking spaces per unit; and

WHEREAS, the "A" Map will facilitate the construction of neighborhood parks, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project is required to provide 4.7 acres of parkland. To satisfy the park requirement, the applicant is constructing a central neighborhood park comprised of two parcels totaling 2.05 acres, a 1.26 acre secondary neighborhood park located within the eastern half of the site, a 0.64 acre pocket park on the western half of the site, and a 1.00 acre dog park located along the eastern property line, totaling 4.95 acres; and

WHEREAS, CC&R's are required to be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the ongoing maintenance of the common areas and facilities; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-010, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the decision-making authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and Addendums and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and Addendums and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously analyzed in an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or
- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.
- SECTION 4: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of

Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

- (1) The proposed Tentative Tract Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space - Non Recreation land use districts of the Policy Plan Land Use Map, and Planning Areas 5A, 5C and 5D (Small Lot SFD) of the Rich Haven Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life" (Goal LU1). Furthermore, the project will promote the City's policy to "incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario" (Policy LU1-6 Complete Community).
- (2) The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments. The proposed Tentative Tract Map is located within the (MDR) Medium Density Residential and (OS-NR) Open Space Non Recreation land use districts of the Policy Plan Land Use Map, and Planning

Areas 5A, 5C and 5D (Small Lot SFD) of the Rich Haven Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing "[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct" (Goal CD2). Furthermore, the project will promote the City's policy to "create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb." (Policy CD2-2 Neighborhood Design).
- (3) The site is physically suitable for the type of development proposed. The project site meets the minimum lot area and dimensions of Planning Areas 5A, 5C and 5D (Small Lot SFD) of the Rich Haven Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.
- (4) The site is physically suitable for the density/intensity of development proposed. The project site is proposed for residential development at a density of 11.8 DUs/acre. The project site meets the minimum lot area and dimensions of the Rich Haven Specific Plan, and is physically suitable for this proposed density/intensity of development.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements

proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the related residential infrastructure improvements proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.
- (7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<u>SECTION 6</u>: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 7</u>: *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.

<u>SECTION 8</u>: *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.

<u>SECTION 9</u> : Certification to adoption of the Resolution.	Adoption. The Secretary shall certify to the
adoption of the recondition.	
The Secretary Pro Tempore for the P certify as to the adoption of this Resolu	lanning Commission of the City of Ontario shall tion.
passed and adopted by the Planning	ng Resolution was duly and regularly introduced, Commission of the City of Ontario at a regular of April 2019, and the foregoing is a full, true and s not been amended or repealed.
	Nancy DeDiemar Planning Commission Vice-Chairman
ATTEST:	
	Cathy Wahlstrom Planning Director
	rianning birector

Secretary to the Planning Commission

File No. PMTT17-016 April 23, 2019 Page 10 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019, by the following roll call vote, to wit: AYES: NOES: ABSENT: ABSTAIN: Gwen Berendsen Secretary Pro Tempore

Planning Commission Resolution

ATTACHMENT A:

File No. PMTT17-016 Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



Planning Department Land Development Division Conditions of Approval

Meeting Date: April 15, 2019

File No: PMTT17-016 (TT20137)

Related Files: PMTT17-013, PMTT17-014 and PMTT17-015

Project Description: A Tentative Tract Map (File No. PMTT17-016) to subdivide 9.10 acres of land into 18 numbered lots and 12 lettered lots for residential, alleys, drive aisles, and parking for a property located at the northeast corner of Schaefer Avenue and Haven Avenue, within Planning Areas 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan; (APN: 0218-161-01) **submitted by Richland Communities.**

Prepared By: Lorena Mejia, Senior Planner

<u>Phone</u>: 909.395.2276 (direct) <u>Email</u>: Imejia@ontarioca.gov

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

- **1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.
- **2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

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

2.2 Subdivision Map.

- (a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(b)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

Planning Department; Land Development Division: Conditions of Approval

File No.: PMTT17-016

Page 2 of 4

(c) The subject Tentative Tract Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract Map and CC&Rs.

- (d) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.
- 2.3 <u>Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance</u> Agreements.
- (a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.
- **(b)** The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.
 - (c) CC&Rs shall ensure reciprocal parking and access between parcels.
- (d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:
 - (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
 - (iii) Shared parking facilities and access drives; and
 - (iv) Utility and drainage easements.
- **(e)** CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.
- (f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- **(g)** A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.4 Disclosure Statements.

- (a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:
- (i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

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

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

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

2.5 Environmental Review.

- (a) The environmental impacts of this project were previously reviewed in conjunction with an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 File No. PSP05-004 that was adopted by the City Council on December 4, 2007, and this Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.
- **(b)** If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).
- **(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.
- **2.6** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 <u>Additional Fees</u>.

- (a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.
- **(b)** After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's <u>Plan Check</u> and <u>Inspection</u> fees shall be paid at the rate established by resolution of the City Council.

2.8 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA18-005) and PMTT17-013 (TT 20134) shall apply to this tract.

Planning Department; Land Development Division: Conditions of Approval

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

(c) Off-Site Subdivision Signs.

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

- (d) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.
- **(e)** The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PMTT17-013(T	TM 20134), 014(TTM 20135), 015(T	TTM 20136) & 016(TTM 20137)	Reviewed By:	
Address:	Northeast corner of Schaefer Avenue & Haven Avenue			Lorena Mejia Contact Info:	
APN:	0218-161-01				
Existing Land Vacant Use:			909-395-2276		
Proposed Land Use:	A Tentative Tra 12 lettered lots i	cres into 15 numbered lots and dential purposes	Project Planner: Lorena Mejia		
Site Acreage:	80.61	Proposed Structure Hei	ight: N/A	Date: 12/12/17	
ONT-IAC Projec	t Review:	 N/A		CD No.: 2017-085	
Airport Influence	_	ONT		PALU No.: n/a	
TI	ne project i	s impacted by the follow	ving ONT ALUCP Compa	atibility Zones:	
Safe		Noise Impact	Airspace Protection	Overflight Notification	
Zone 1 Zone 1A Zone 2 Zone 3 Zone 4 Zone 5 Zone 1 Allowable Heig	Zo	75+ dB CNEL 70 - 75 dB CNEL 65 - 70 dB CNEL 60 - 65 dB CNEL cct is impacted by the fo	High Terrain Zone FAA Notification Surfaces Airspace Obstruction Surfaces Airspace Avigation Easement Area Allowable Height: 200 ft + Ilowing Chino ALUCP Sa Zone 4 Zone		
		CONSISTENC	Y DETERMINATION		
This proposed Pr	oject is: Ex	empt from the ALUCP Co	nsistent • Consistent with Con	nditions Inconsistent	
The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. See attached Real Estate Transaction Disclosure condition:					
Airport Planner S	Signature:	Lanen	Myre		

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT

CD No.:	2017-085
PALU No.:	

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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

CITY OF ONTARIO MEMORANDUM

	TO:	PLANNING DEPARTMENT, Lorena Mejia
Fl	ROM:	BUILDING DEPARTMENT, Kevin Shear
D	ATE:	November 14, 2017
SUBJ	ECT:	PMTT17-016
\boxtimes	The p	plan does adequately address the departmental concerns at this time.
		No comments
	\boxtimes	Report below.
		Conditions of Approval

KS:lm

1. Standard Conditions of Approval apply.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER		EL MAP		
PROJECT F	ILE NO. TM2	0137/PMTT17-016 (B-N	MAP)	
RELATED FILE	NO(S). <u>TM2</u>	0134/PMTT17-013 (A-N	MAP)	
⊠ OR	IGINAL 🗌	REVISED:/_/_		
CITY PROJECT ENGINEER 8	PHONE NO:	Naiim Khoury, Associa	te Engineer	
CITY PROJECT PLANNER &	PHONE NO:	(909) 395-2152 Lorena Mejia, Senior Planner (909) 395-2429		
DAB MEETING DATE:		(909) 395-2429 April 15, 2019		
PROJECT NAME / DESCRIPT	TION:	TM-20137, a Tentative T subdivide 9.10 acres of numbered and 12 le	land into 18	
LOCATION:		within Rich Haven SP Northeast corner of Haven Avenue		
APPLICANT:		and Schaefer Avenue Richland Communities.		
REVIEWED BY:		Ento	4/10/19	
APPROVED BY:		Bryan Lirley P.E. Principal Engineer Raymond Lee, P.E. Assistant City Engineer	Date Off 9 Date	

Last Revised: 4/9/2019

Date: April 15, 2019



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT PLUS ALL THE CONDITIONS AND REQUIREMENTS SPECIFICED IN TENTATIVE TRACT MAP 20134/A-MAP, RICH HAVEN SPECIFIC PLAN AND THE DEVELOPMENT AGREEMENT.

1.	PRIC	OR TO F	FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check Who Complete	en
	1.01	Dedica	te to the City of Ontario in fee simple the right-of-way, described below:	
\boxtimes	1.02	Dedica	te to the City of Ontario, the following easement(s):	
		a)	A minimum of 32-foot wide public utility easement (PUE) in the drive aisles (Lots A, B and C) for water, sewer, fiber optic, emergency access and solid waste collection purposes. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		b)	A minimum of 30-foot wide public utility easement (PUE) in the drive aisles (Lot C) for water, sewer, fiber optic, emergency access and solid waste collection purposes. All appurtenances for the above mentioned utilities must be located within the PUE limits.	
		c)	A minimum of 20-foot wide public utility easement (PUE) in the alleys (Lots D through Lots L) for fiber optic and emergency access purposes.	
	1.03	Restrict	vehicular access to the site as follows:	
	1.04	Vacate	the following street(s) and/or easement(s):	
	1.05	easeme	a copy of a recorded private reciprocal use agreement or easement. The agreement or east shall ensure, at a minimum, common ingress and egress and joint maintenance of all n access areas and drive aisles.	
	1.06	the pr Departi provide for all landsca establis CC&Rs improv space/e	e (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to oject and as approved by the City Attorney and the Engineering and Planning ments, ready for recordation with the County of San Bernardino. The CC&Rs shall a for, but not be limited to, common ingress and egress, joint maintenance responsibility common access improvements, common facilities, parking areas, utilities, median and aping improvements and drive approaches, in addition to maintenance requirements shed in the Water Quality Management Plan (WQMP), as applicable to the project. The shall also address the maintenance and repair responsibility for public ements/utilities (sewer, water, storm drain, recycled water, etc.) located within open easements. In the event of any maintenance or repair of these facilities, the City shall store disturbed areas to current City Standards.	
		Also, th	ne CC&R document shall include the following provisions:	
		d)	Common Use and Private Utilities: Identify all common use/private utility systems and solid waste collection facilities and detail the Operations and Maintenance of these facilities.	
		e)	Repair of Private Pavement: In the event that private pavement replacement is needed due to the repair of any public utilities within PUEs, the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).	
		f)	Solid Waste Collections: The Solid Waste Handling Plan shall be included in the	

Project Engineer: Naiim Khoury Date: April 15, 2019



CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan.

		requirements of this Plan.	
		g) The developer/applicant shall prepare and provide a Home Buyer Disclosure exhibit to each lot that shows the individual lot and the location that is designated for its Solid Waste Collection.	
	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=T100000004658 .	
	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
\boxtimes	1.09	Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	
\boxtimes	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) 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.	
\boxtimes	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.	
\boxtimes	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.	
\boxtimes	1.14	Other conditions:	
		a) Reserve private easement for pedestrian access on all residential lots that are located	

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Project Engineer: Naiim Khoury Date: April 15, 2019



ADA compliance, as required.

b) The applicant/developer shall provide notarized letter from the adjacent property owner (Southern California Edison) for right of entry and grading operations.

2.	PRIO	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
		NERAL its includes Grading, Building, Demolition and Encroachment)	
\boxtimes	2.01	Record Tract Map No. 20137 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.	Ш
\boxtimes	2.02	Submit a duplicate photo mylar of the recorded map to the City Engineer's office.	
	2.03	Note that the subject parcel is a recognized parcel in the City of Ontario per	
	2.04	Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of	
	2.05	Apply for a: ☐ Certificate of Compliance with a Record of Survey; ☐ Lot Line Adjustment	
		☐ Make a Dedication of Easement.	
	2.06	Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.	
	2.07	For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at http://tceplumecleanup.com/), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .	
\boxtimes	2.08	Submit a soils/geology report.	
\boxtimes	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 for any work encroaching into their easement(s)/property.	



	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	
	2.11	Dedicate to the City of Ontario the following easement(s):	
\boxtimes	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.	
		No ground water shall be used for grading, construction, or other purposes without expressed authorization from the City through a "Well Water Use Agreement" between the City and the Developer/applicant.	
		☑ 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.	
		The maximum allowable delta elevation at the property line between finish elevation and existing ground of adjacent property shall be 3 feet. It is the applicant/developer's responsibility to obtain temporary easements from the adjacent properties owners for any work beyond this tract boundaries.	
	2.13	Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.	
\boxtimes	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.	
\boxtimes	2.15	Pay all Development Impact Fees (DIF) to the Building Department.	
	2.16	Other conditions:	



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

\boxtimes	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	PUE in Private Drive Aisles (Lots A,B &C)	Public Streets D & F		
Curb and Gutter	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace	New; ft. from C/L Replace damaged Remove and replace
AC Pavement	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions	Replacement Widen additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Drive Approach	New Remove and replace replace			
Sidewalk	New Remove and replace			
ADA Access Ramp	New Remove and replace			
Parkway	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)
Raised Landscaped Median	New Remove and replace			

Date: April 15, 2019



Fire Hydrant	New Relocation	New Relocation	New Relocation	New Relocation
Sewer (see Sec. 2.C)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Water (see Sec. 2.D)	Main Service	Main Service	Main Service	Main Service
Recycled Water (see Sec. 2.E)	Main Service	Main Service	Main Service	Main Service
Traffic Signal System (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Traffic Signing and Striping (see Sec. 2.F)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
Street Light (see Sec. 2.F)	New Relocation	New Remove and replace	New Remove and replace	New Remove and replace
Bus Stop Turn- out (see Sec. 2.F)	New Remove and replace			
Storm Drain (see Sec. 2G)	Main Lateral	Main Lateral	Main Lateral	Main Lateral
Fiber Optics (see Sec. 2K)	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances	Conduit / Appurtenances
Overhead Utilities	Underground Relocate	Underground Relocate	Underground Relocate	Underground Relocate
Removal of Improvements				
Other Improvements				

Specific notes for improvements listed in Section 2:

a) Final Utility Systems Map (USM): The Tract Map shall follow the TTM20137 USM, dated 02/26/2019, and any deviation from this plan shall require the USM to be updated and resubmitted to OMUC for review and approval. A Final USM shall be submitted for review and approval with the Potable Water, Recycled Water, and Sewer Improvement Plans.

Date: April 15, 2019



- Any City of Ontario public utilities that will not be installed within the public right-ofway, shall be installed within dedicated Public Utility Easements (PUE).
- the PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures;
- d) The PUE surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.
- The applicant/developer shall be responsible to design and construct full in-tract public improvements.
- f) The SCE easement corridor between Haven Avenue and the easterly tract limit shall be improved in accordance with the Rich Haven Specific Plan including but not limited to the following: multi-purpose trail (MPT), enhanced entries, landscaping, theme walls, signage and safe accessibility to MPT.
- g) All drive aisles and alley ways shown on this map are private to be maintained by the HOA. All improvements within these drive aisles and alley ways will be privately maintained except for water, sewer and fiber optic within the PUE limits.
- h) The public and private improvements constructed within this tentative tract map shall be maintained through the combination of public and private entities as described in Section 8.5 and Table 8-4, "Maintenance Responsibilities" of Rich Haven Specific Plan.

	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.	
\boxtimes	2.21	Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).	
	2.22	Other conditions:	
	C. SE	WER	
	2.23	A 21-inch sewer main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: Sewer plan bar code: S15987-15997). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.	
	2.24	Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately feet away.	
	2.25	Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.	



\boxtimes	2.26	Other o	Other conditions:		
		a)	Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations: The Tract Map sewer mains design shall follow the TTM20134 SSAMP, dated 02/12/2019, and any deviation from this design shall require the SSAMP to be updated and resubmitted to OMUC for review and approval.		
		b)	Install 8-inch sewer mains throughout Tract Map Lots 'A', 'B', and 'C' sufficient to connect phased units with a point of connection to the 21-inch sewer main in Haven Avenue at Private Lot 'M'. See TTM20137 Utility Systems Map, dated 02/26/2019.		
	D. W	ATER			
	2.27	(Ref: Se	ch water main is available for connection by this project in Haven Avenue at Schaefer Avenue ewer plan bar code: W15921-W15931). Also, refer to the "Record Drawings" for the constructed egment between Ontario Ranch Road and Schaefer Avenue.		
	2.28		and construct a water main extension. A water main is not available for direct connection. The main is approximately feet away.		
\boxtimes	2.29	Other c	onditions:		
		a)	Install 8-inch 925 PZ potable water mains throughout Tract Map Lots 'A', 'B', and 'C' with a point of connection to the 12-inch 925 PZ potable water main in Haven Avenue at 'A' Street and through Lot "M" of TTM20134. See TTM20137 Utility Systems Map, dated 02/26/2019.		
	E. RE	CYCLED	WATER		
	2.30	Avenue	ch recycled water main is available for connection by this project in Haven Avenue at Schaefer (Ref: Sewer plan bar code: P11673-11678). Also, refer to the "Record Drawings" for the cted sewer segment between Ontario Ranch Road and Schaefer Avenue.		
	2.31		and construct an on-site recycled water system for this project. A recycled water main does 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.			
\boxtimes	2.33	Prior to	Precise Grading Plan Approval Submit the followings:		
		a)	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.		
		b)	Submit an <u>Engineering Report (ER)</u> to the City detailing recycled water usage to OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval for review and approval.		
		months	he OMUC and the CDPH review and approval process will be approximately three (3) . Contact the Ontario Municipal Utilities Company (OMUC) at (909) 395-2647 regarding uirement.		
\boxtimes	2.34	Other c	onditions:		
		a)	<u>City Ordinance 2689:</u> This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the Tract to meet this requirement, as approved by the City.		
		b)	Install 8-inch 930 PZ recycled water mains throughout Tract Map interior streets		

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sufficient to connect all HOA parks and HOA maintained landscaped areas with a point of connection to the 16-inch 930 PZ recycled water main in Haven Avenue at 'A' Street See TTM20135 Utility Systems Map, dated 02/26/2019 for additional details.

	F. TR	AFFIC / 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.		
\boxtimes	2.37	Other conditions:		
		a) The applicant/developer shall be responsible to design and construct all private and public improvements including utilities on Lot "M" of TTM20134 and connect the southerly end of Lot "C" to the knuckle at the intersection of "B" Street and "D" Street to the satisfaction to the City Engineer.		
		b) All alleys shall be constructed in accordance with the City of Ontario Standard Drawing No.'s 1111, 1112 and 1113.		
	G. DR	AINAGE / HYDROLOGY		
	2.38	A 72-inch storm drain main is available for connection by this project in Haven Avenue at Schaefer Avenue (Ref: storm drain plan bar code: D13679-13689). Also, refer to the "Record Drawings" for the constructed sewer segment between Ontario Ranch Road and Schaefer Avenue.		
	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 predevelopment 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.		
		The applicant/developer shall submit to the Engineering Department the necessary studies, reports and mitigation measures to address the <u>ultimate</u> historic drainage flows from the adjacent properties to the north and east of this tract for review and approval. If existing historic drainage flows is used in the drainage studies in-lieu of the ultimate, then the applicant must submit notarized acknowledgment letters from the adjacent property owners to guarantee that the existing berms, swales and natural barriers will not be removed or altered to disrupt the existing historic flows without prior approval from the City.		
	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.		
\boxtimes	2.43	Other conditions:		
		a) Any proposed storm drain improvements in the private drive aisles and alleys shall be		

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private (Lots A through M).

	H. ST (NPDI		ATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM	
	2.44	Permit surface Certific and a bodies condition Flood C If a 40 enginee	ater Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 for the subject project to the City project engineer. Development that will affect any body of a water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality ation from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water classified in these requirements are perennial (flow year round) and ephemeral (flow during rain ons, only) and include, but are not limited to, direct connections into San Bernardino County Control District (SBCFCD) channels. 1 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's er shall be submitted.	
\boxtimes	2.45	Engine utilizing	t a Water Quality Management Plan (WQMP). This plan shall be approved by the tering Department prior to approval of any grading plan. The WQMP shall be submitted, g the current San Bernardino County Stormwater Program template, available at: www.sbcounty.gov/dpw/land/npdes.asp .	
\boxtimes	2.46	Other c	onditions:	П
				_
	J. SP	ECIAL D	ISTRICTS	
	2.47	of 1982 subdivi approv upon the shall be collected formati	a application, together with an initial payment deposit (if required), to establish a unity Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act 2. The application and fee shall be submitted a minimum three (3) months prior to final ision map approval, and the CFD shall be established prior to final subdivision map all or issuance of building permits, whichever occurs first. The CFD shall be established the subject property to provide funding for various City services. An annual special tax elevied upon each parcel or lot in an amount to be determined. The special tax will be ed along with annual property taxes. The City shall be the sole lead agency in the ion of any CFD. Contact the Management Services Department at (909) 395-2353 to	
П	2.48		the CFD application process. onditions:	
_				ш
	K. FIE	BER OPT		
	2.49	system closest termina interco	and construct fiber optic system to provide access to the City's conduit and fiber optic per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the OntarioNet hand hole constructed along the project frontage in the ROW and shall ate in the main telecommunications room for each building. Conduit infrastructure shall nnect with the primary and/or secondary backbone fiber optic conduit system at the tontarioNet hand hole, generally located in Haven Avenue at Schaefer Avenue.	
\boxtimes	2.50	Refer t	to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the ation Technology Department at (909) 395-2000, regarding this requirement.	
		Other c	conditions:	
		a)	The applicant/developer shall provide fiber optic connection to each home unit per city standards and guidelines.	
		b)	OntarioNet fiber optic plans must be designed and approved at the same time as other improvement plans.	
		c)	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	

Date: April 15, 2019



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.

- d) Hand holes Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 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. Handholes shall be used when there is a cluster of three or more units that share a common driveway.
- e) 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. When private alleys are utilized for utilities, fiber optics conduit should be placed in a joint trench with telecommunications.
- f) Building Entrance (Multi-family and Commercial) 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.
- g) 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.
- h) 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. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
- 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.
- j) 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.
- k) 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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
- A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.
- m) All hand holes, conduits and ducts shall be placed in the public right of way or PUE.
- n) Public fiber optic system in the drive aisles and alleys shall require PUE dedication as

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Date: April 15, 2019



identified in item 1.02.

- o) Please contact City's Fiber Team at <u>OntarioNet@ontarioca.gov</u> for conduit design assistance.
- p) For additional information please refer to the City's Fiber Optic Master Plan.

	L. So	lid Waste	
\boxtimes	2.51	Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:	
		http://www.ontarioca.gov/municipal-utilities-company/solid-waste	
\boxtimes	2.52	Other conditions:	Г

- a) Solid Waste Collections: The Developer shall provide the buyers of Lot 10, 11, and 12, and any lots located more than 250 linear feet from the can collection area an informational disclosure with map exhibit showing the designated can placement locations for collections for these lots, based upon the designated collections locations on the Solid Waste Handling Plan, revision 2/12/2019. This informational disclosure with map exhibit shall be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
- b) Final Solid Waste Handling Plan (SWHP): The Tract Map shall follow the TTM20134 SWHP, dated 02/12/2019, and any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval. A Final SWHP shall be submitted for review and approval with the Precise Grading Plan.
- c) Any park with a recreation center or building will require commercial waste collection service with a trash enclosure and bins, unless otherwise approved by the City.

Project File No. TM20137/PMTT17-016 Project Engineer: Naiim Khoury Date: April 15, 2019



ა.	FRIC	or to issuance of a certificate of occupancy, applicant shall:	
\boxtimes	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.	
\boxtimes	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.	
\boxtimes	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.	
\boxtimes	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.	
\boxtimes	3.05	Confirm payment of all Development Impact Fees (DIF) to the Building Department.	
\boxtimes	3.06	Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studie and reports (i.e. hydrology, traffic, WQMP, etc.).	



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

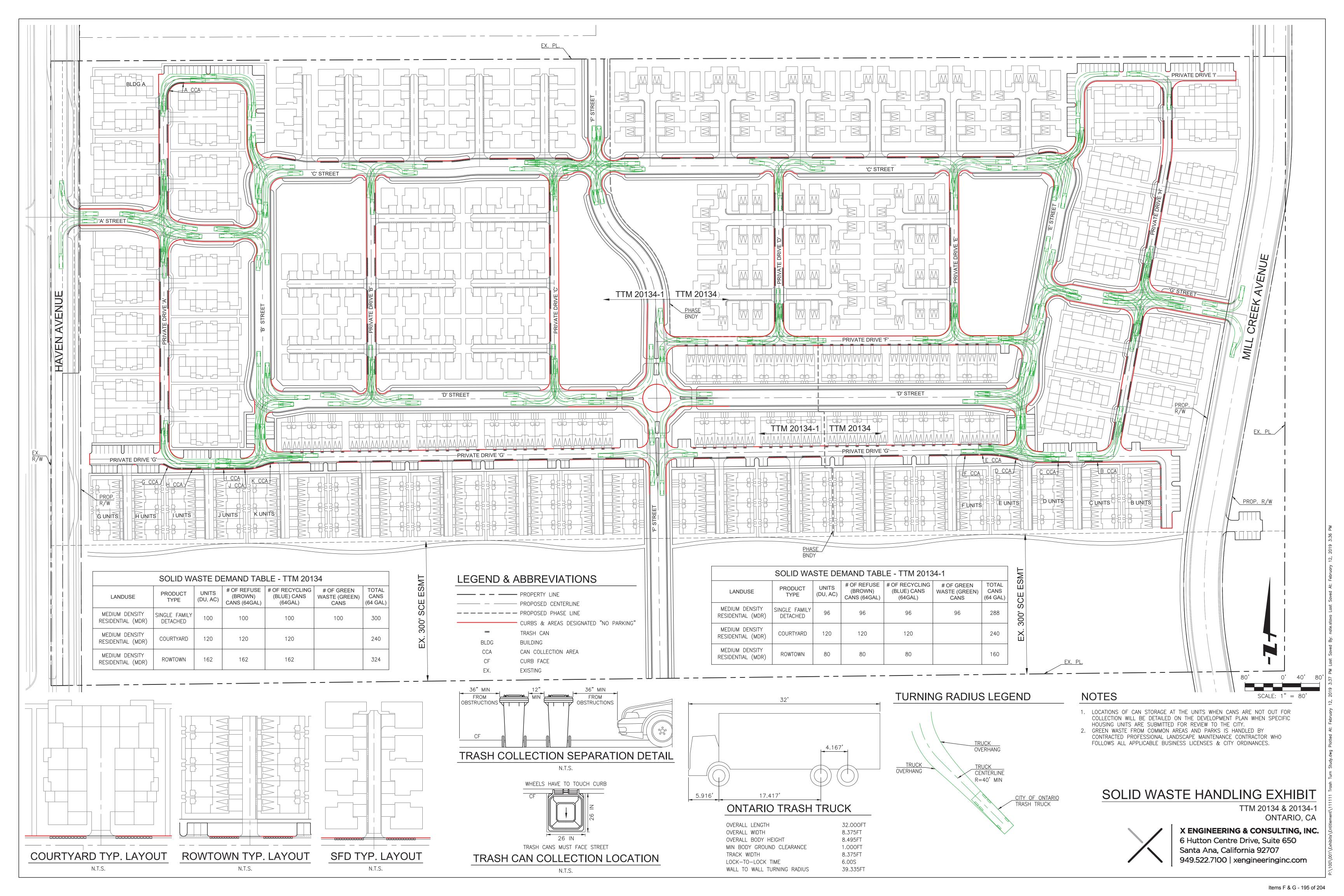
TM20137/PMTT17-016

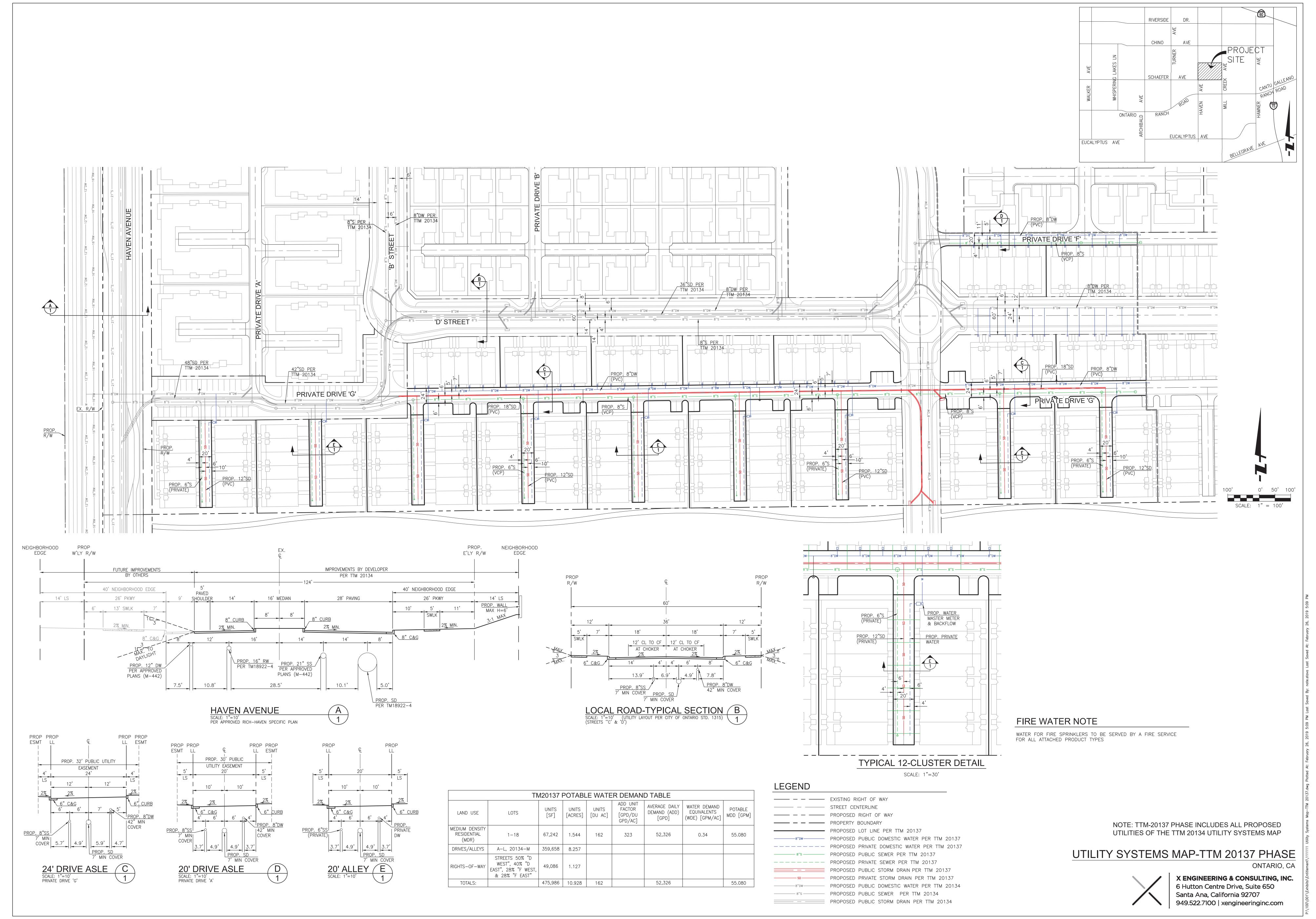
The following items are required to be included with the first plan check	submittal:
---	------------

1.	
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 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 or PUE (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

Date: April 15, 2019









CITY OF ONTARIO MEMORANDUM

TO: Lorena Mejia, Senior Planner

Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: November 19, 2017

SUBJECT: PMTT17-016 – A Tentative Tract Map to subdivide 9.75 gross acres of

land into 18 numbered lots and 13 lettered lots, located near the northeast corner of Schaefer Avenue and Haven Avenue, within the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). Related File(s): (1 ¿A; Map 20134, 3 ¿B; Maps- 20135, 20136, 20137).

☐ The plan <u>does</u> adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

A. 2013 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Various

D. Number of Stories: Two Story

E. Total Square Footage: Various

F. 2013 CBC Occupancy Classification(s): R-3, U

CONDITIONS OF APPROVAL:

1.0 GENERAL

- I.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, click on "Fire Department" and then on "Standards and Forms."
- ∑ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ∑ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.

3.0 WATER SUPPLY

- ≥ 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.

4.0 FIRE PROTECTION SYSTEMS

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.
- Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ∑ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

TO:	Hassan Haghani, Development Director Scott Murphy, Assistant Development Director Cathy Wahlstrom, Principal Planner (Copy of Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Sheldon Yu, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Mal Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES Joe De Sousa, Supervising code Enforcemer Jimmy Chang, IT Department (Copy of memory of the Steve Wilson, IT Department (Copy of memory cases).	memo only) nager		
FROM:	Lorena Mejia, Senior Planner			
DATE:	November 07, 2017			
SUBJECT:	FILE#: PMTT17-016	Finance Acct#:		
The following your DAB rep Note:	project has been submitted for review. Pleas port to the Planning Department by Tuesday , I Only DAB action is required Both DAB and Planning Commission actions Only Planning Commission action is required	November 21, 2017. are required	all one (1) copy or	
	DAB, Planning Commission and City Council Only Zoning Administrator action is required	actions are required		
numbered lot Avenue, with Related File(ESCRIPTION: A Tentative Tract Map to subdiss and 13 lettered lots, located near the northe in the Planning Areas 5A through 5D of the Riss): (1 ¿A¿ Map 20134, 3 ¿B¿ Maps- 20135, 2	ast corner of Schaefer Avent ch Haven Specific Plan (APN 0136, 20137).	ue and Haven	
	does adequately address the departmental c	oncerns at this time.		
	No comments Report attached (1 copy and email 1 copy) Standard Conditions of Approval apply			
The plar	does not adequately address the department. The conditions contained in the attached report Development Advisory Board.		duling for	
Pour Department	Down UN SONEL Signature	MANALEMENT Title	gnays7	'//3//3 Date

CITY OF ONTARIO LANDSCAPE PLANNING DIVISION

Sign Off

Carolyn Bell, Sr. Landscape Planner

Date

DAB CONDITIONS OF APPROVAL

303 East "B" Street, Ontario, CA 91764

			(909) 395-2237		
- Cui	Carolyii Bell, Oi. Eariascape i lainici				
D.A.B	. File No.:	Related Files:	Case Planner:		
PMT	T17-016 Rev 1		Lorena Mejia		
Proje	ct Name and Location:				
Rich	land Planning Areas 5A – 5D)			
TM 2	20137				
Applic	cant/Representative:				
Rich	land Communities – Craig C	ristina CCHRISTINA@RICHLANDCOMMU	NITIES.COM		
3161	Michelson Dr. Ste 425				
Irvin	Irvine, CA 92612				
\boxtimes		ted 2/5/18) has been approved with the c w be met upon submittal of the landscap			
	A Tentative Tract Map (dated) has not been approved. Corrections noted below are required prior to DAB approval.				
COF	RRECTIONS REQUIRED				

On Grading or Utility construction plans, note:

- 1. Residential driveways shall be max. 16' wide with 3' wide wings on each side for 6" high curbs and 4' wide for 8" high curbs.
- 2. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
- 3. Connect downspouts to lot drainage system or in planter areas add 12" deep rip rap infiltration sumps at downspouts or splash guards.
- 4. Show infiltrating catch basins with two ¾" dia. holes in bottom set on 12" square of filter fabric wrapped gravel, located 5' or greater from buildings and 24" from sidewalk, add detail.
- 5. Show or note transformers shall be located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade. Coordinate with landscape plans.
- 6. Show or note backflow devices shall be located in planter areas, and set back min 3' from paving Locate on level grade. Coordinate with landscape plans.
- 7. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines, light standards to the minimum spacing to allow space for street trees.
- 8. Show light standards 15' away from required tree locations.
- 9. Show on plans step outs at any parking spaces adjacent to planters; 12" wide curb, 12" of compacted decomposed granite or pavers adjacent to the 6" curb.
- 10. Show wall openings for secondary overflow detail to max 4" wide.
- 11. Provide a solid surface path from driveway to side yard gate for entry and trash bin access.
- 12. Note and show on plans: all AC units shall be located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side shall be added for access.
- 13. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
- 14. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Inspection—per phase (up to 3 inspections)	\$278.00

Once items are complete you may email an electronic set to: landscapeplancheck@ontarioca.gov



Broadband Operations

Department

CITY OF ONTARIO

MEMORANDUM

Hassan Haghani, Development Director Scott Murphy, Assistant Development Director (Copy of memo only) Cathy Wahlstrom, Principal Planner (Copy of memo only) Charity Hernandez, Economic Development Kevin Shear, Building Official Khoi Do, Assistant City Engineer Carolyn Bell, Landscape Planning Division Sheldon Yu, Municipal Utility Company Doug Sorel, Police Department Paul Ehrman, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Senior Planner Steve Wilson, Engineering/NPDES Joe De Sousa, Supervising code Enforcement Officer Jimmy Chang, IT Department David Simpson, IT Department (Copy of memo only)			
Lorena Mejia, Senior Planner			
November 07, 2017			
FILE #: PMTT17-016 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 Tuesday, November 21, 2017.			
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			
T DESCRIPTION: A Tentative Tract Map to subdivide 9.75 gross acres of land into 18 dots and 13 lettered lots, located near the northeast corner of Schaefer Avenue and Haven within the Planning Areas 5A through 5D of the Rich Haven Specific Plan (APN(s): 0218-161-01). Tile(s): (1 ¿A¿ Map 20134, 3 ¿B¿ Maps- 20135, 20136, 20137).			
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			
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.			

Anna Vaca, Sr. Systems Analyst
Signature Title

Signature

12/11/2017 Date

CITY OF ONTARIO BROADBAND OPERATIONS 303 Fast "B" Street Optario, CA 91764

 \boxtimes

CONDITIONS OF APPROVAL				
Sign Off				
Fiber Team	12/11/2017			

303 East "B" Street, Ontario, CA 91764			B" Street, Ontario, CA 91764	Fiber Team	1	12/11/2017
Daviano	aw'a Nama				Dhana	
Review	er's Name				Phone	
Ann	Anna Vaca, Sr. Systems Analyst 909-395-2349					2349
File #					Project Engine	er:
			TM 20134, 20135, 20136, 20137)		Naiim Kh	oury
	Name and					-l C
			Map to subdivide 9.75 gross acre			
		d Ha	ven Avenue within Planning Area	s 5A-5D of Rich Haven	Specific	Plan
Sent to		ırv F	Engineering Department			
INAIII	11 111101	ury, L	Ingineering Department			
	Plan does adequately address the departmental concerns at this time. No Comments .					
\boxtimes	Plan does adequately address the departmental concerns at this time. See report below.					
	Plan does not adequately address the departmental concerns. The conditions contained below must be met prior to scheduling for Development Advisory Board.					
Notes Req'd on Plans	CONDITIONS OF APPROVAL - PMTT17-016 (TM 20134, 20135, 20136, 20137)					
		1.	Project shall be designed and constructed to per the City's Fiber Optic Master Plan. Built hand hole in the Right-of-Way (ROW) and subuilding. Conduit infrastructure shall interest conduit system at the nearest OntarioNet has	ding entrance conduits shall sta shall terminate in the main teleconnect with the primary and/or s	art from the communicati	closest OntarioNet ons room for each
	2. Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties. 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.	Hand holes - Design and install OntarioNet HH-3 (30x48x36) and/or HH-4 (36x60x36) a 90116, PCA-243630-90064, PCA-304836-5 Conduits sweeping into hand holes shall enbottom of the box and come in perpendicula other than parallel. Provide 5 foot minimum be used when there is a cluster of three	as needed. Respectively Newb 20244 and PCA-366036-90146 Iter in flush with the cut-out mon ar to the wall of the box. Condu in clearance from existing/propo	pasis Part # per City Stause holes al its shall not sed utilities.	PCA-173024- andard 1316. igned parallel to the enter at any angle (Handholes shall

Page | 1 Rev. 03/27/2017 8:52 AM

a joint trench with telecommunications.

(Orange) duct.

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. When private alleys are utilized for utilities, fiber optics conduit should be placed in

ROW Conduit - Design and Install all Fiber Optic Conduit at a Minimum Depth of 36". Trenching Shall be

Per City Standard 1306. (1) 7-way Microduct (Duraline - Orange) 13/16mm tubes and (1) 2" HDPE SDR-11 (Smoothwall) roll pipe (Orange) 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. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe

Notes Req'd on Plans	CONDITIONS OF APPROVAL - PMTT17-016 (TM 20134, 20135, 20136, 20137)			
		6.	Building Entrance (Multi-family and Commercial) - 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.	
		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.	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.	
		9.	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. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.	
\boxtimes	\boxtimes	10.	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.	
×		11.	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.	
		12.	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 labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"	
		13.	A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/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.	
		14.	Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.	
\boxtimes	\boxtimes	15.	All hand holes, conduits and ducts shall be placed in the public right of way.	
		16.	Multi-family dwellings are considered commercial property.	
		17.	Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.	
	\boxtimes	18.	Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.	
	\boxtimes	19.	For additional information please refer to the City's Fiber Optic Master Plan.	
		20.	Please see attached corrections.	
		21.	Please provide plans in digital format (PDF) on future revisions.	

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FILE NO.: PDA18-005

SUBJECT: A Development Agreement (File No. PDA18-005) between the City of Ontario and Haven Ontario NMC 1, LLC and Haven Ontario NMC 2, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013), for property located at the northeast corner of Haven and Schaefer Avenues within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD/SCE Easement) land use designations of the Rich-Haven Specific Plan (APN: 0218-161-01). **Submitted by Richland Communities. City Council action is required**.

PROPERTY OWNER: Haven Ontario NMC 1, LLC, a Florida limited liability company, and Haven Ontario NMC 2, LLC, a Florida limited liability company.

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement (File No. PDA18-005), between the City of Ontario and Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 80.61 acres of land located at the northeast corner of Haven and Schaefer Avenues, within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential - Small Lot SFD/SCE Easement) land use designations of the Rich-Haven Specific Plan and is depicted in Figure 1: Project Location. The project site is bounded to the north by Chino Avenue, Ontario Ranch Road to the south, Mill Creek Avenue to the east, and Haven Avenue to the west and is presently vacant. The properties to the north, south, and west are currently vacant and previously used for agriculture and dairy uses. The property to the east is developed with an SCE Substation.



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer		
Planning Director Approval:	Coally		
Submittal Date:	November 15, 2018		

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	04/23/2019		Recommend
CC	06/04/2019		Final

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PROJECT ANALYSIS:

[1] <u>Background</u> — On December 4, 2007, the City Council adopted the Rich-Haven Specific Plan, File No. PSP05-004 ("Specific Plan") and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 584.2 acres of land, which includes the potential development of 7,194 dwelling units and 1,131,702 square feet of commercial/office uses.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC ("Owner"), have requested that the City enter into negotiations to create a Development Agreement.

In accordance with California Government Code Section 65865, which in part states that that "[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property..." and California Government Code Section 65865.52, which in part states that "a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...," the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Development Agreement is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders, LLC. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders', LLC members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] <u>Staff Analysis</u> — The Development Agreement proposes to include 80.61 acres of land within Planning Areas 5A, 5B, 5C, 5D, and 5E (Residential – Small Lot SFD/SCE Easement land use designations) of the Specific Plan, as shown on the attached Exhibit "A". The Development Agreement grants the Owner a vested right to develop Tentative Tract Map 20134 as long as the Owner complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20134 (See Exhibit "B") is on the northeast corner of Haven and Schaefer Avenues and proposes to subdivide approximately 80.61

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acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges, and common open space purposes.

The term of the Development Agreement is for ten years, with a five-year option. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, and fire, etc.); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for reimbursement of public improvements; and maintenance of public facilities.

Staff finds that the Development Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Commission finds the Development Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm

Drains and Public Facilities)

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

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

[4] Policy Plan (General Plan)

Land Use Element:

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

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
- ➤ <u>H2-4 New Model Colony</u>. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

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

➤ <u>H5-2 Family Housing</u>. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-6 Diversity of Housing</u>. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-1 Development Projects</u>. We require new development and redevelopment to create unique, high-quality places that add value to the community.
- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

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Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
- ➤ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- ➤ <u>CD1-1 City Identity</u>. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
- ➤ <u>CD1-2 Growth Areas</u>. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
- ➤ <u>CD1-3 Neighborhood Improvement</u>. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- ➤ <u>CD2-1 Quality Architecture</u>. We encourage all development projects to convey visual interest and character through:
- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.
- ➤ <u>CD2-2 Neighborhood Design</u>. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

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 A pattern of smaller, walkable blocks that promote access, activity and safety;

- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.
- ➤ <u>CD2-7 Sustainability</u>. 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.
- ➤ <u>CD2-8 Safe Design</u>. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.
- ➤ <u>CD2-9 Landscape Design</u>. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- ➤ <u>CD2-11 Entry Statements</u>. 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.
- ➤ <u>CD2-12 Site and Building Signage</u>. 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.
- ➤ <u>CD2-13 Entitlement Process</u>. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.
- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

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

- ➤ <u>CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas.</u> We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- ➤ <u>CD3-5 Paving</u>. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- ➤ <u>CD3-6 Landscaping</u>. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

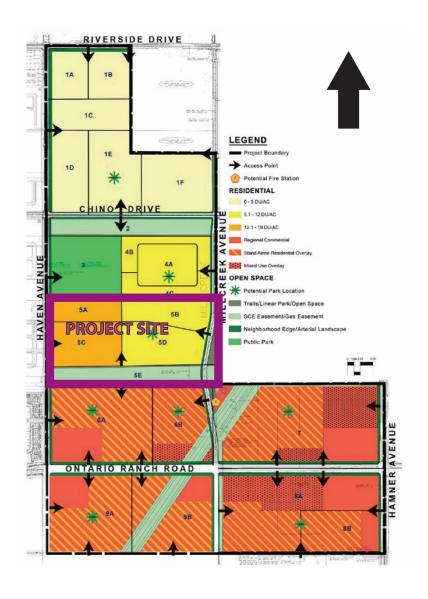
ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with in an addendum to The Rich Haven Specific Plan EIR (SCH#

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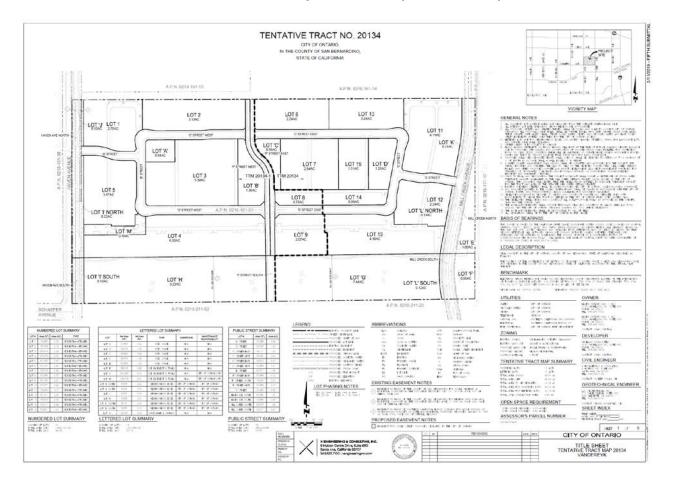
2006051081) File No. PSP05-004 that was adopted by the City Council on December 4, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"
Rich-Haven Specific Plan Land Use Map



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Exhibit "B" Tentative Tract Map No. 20134 (PMTT17-013)



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA18-005) BETWEEN THE CITY OF ONTARIO AND HAVEN ONTARIO NMC 1, LLC AND HAVEN ONTARIO NMC 2, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20134 (FILE NO. PMTT17-013), LOCATED AT THE NORTHEAST CORNER OF HAVEN AND SCHAEFER AVENUES WITHIN PLANNING AREAS 5A, 5B, 5C, 5D, AND 5E (RESIDENTIAL – SMALL LOT SFD/SCE EASEMENT) LAND USE DESIGNATIONS OF THE RICH-HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-161-01).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

"The Legislature finds and declares that:

- (a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- (b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ..."

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100, which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this resolution, marked Exhibit "A" and incorporated herein by this reference, is the proposed Development Agreement between Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, and the City of Ontario, File No. PDA18-005, concerning approximately 80.61 acres of land located at the northeast corner of Haven and Schaefer Avenues, and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the "Development Agreement"; and

WHEREAS, on October 23, 2007, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC07-125 recommending City Council certification of the Rich-Haven Specific Plan EIR (SCH#2006051081) and issued Resolution No. PC07-127 recommending to City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004); and

WHEREAS, on December 4, 2007, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution No. 2007-145 certifying the Rich-Haven Specific Plan EIR (SCH#2006051081), and issued Ordinance 2884 approving the Rich-Haven Specific Plan (File No. PSP05-004); and

WHEREAS, the environmental impacts of this project were analyzed in the addendum to the Rich-Haven Specific Plan (File No. PSP05-004) EIR (SCH#2006051081) that was adopted and certified by the City Council on December 4, 2007. This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, a Tentative Tract Map No. 20134 (File No. PMTT17-013) to subdivide approximately 80.61 acres of land into 15 numbered lots and 15 lettered lots has been submitted in conjunction with the subject Development Agreement application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

<u>SECTION 1</u>. *Environmental Determination and Findings.* As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted addendum to the Rich-Haven Specific Plan EIR (SCH#2006051081) and supporting documentation. Based upon the facts and information contained in the addendum to the Rich-Haven Specific Plan EIR (SCH#2006051081) and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were reviewed in conjunction with an addendum to the Rich-Haven Specific Plan Environmental Impact Report (SCH#2006051081) which was certified by City Council on December 4, 2007. This application is consistent with the EIR and introduces no new significant environmental impacts; and
- (2) The previous addendum to the Rich-Haven Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous addendum to the Rich-Haven Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous addendum to the Rich-Haven Specific Plan EIR reflects the independent judgment of the Planning Commission; and
- (5) All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

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

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

- (2) Does not constitute substantial changes with respect to the circumstances under which the EIR was prepared, that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was reviewed, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the EIR; or
- (b) Significant effects examined will be substantially more severe than shown in the EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3. Housing Element Consistency. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8 DU/AC) specified in the Available Land Inventory.

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

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

- <u>SECTION 5</u>. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on April 23, 2019, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:
- a. The Development Agreement applies to approximately 80.61 acres of land located at the northeast corner of Haven and Schaefer Avenues within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential Small Lot SFD/SCE Easement) land use designation of the Rich-Haven Specific Plan. The project site gently slopes from north to south and is vacant and previously used for diary/agriculture uses.
- b. The majority of the site is currently in agricultural use, including dairy farms, row crops, and a hay and alfalfa wholesaler. The remainder of the site is vacant land that was previously used for agriculture; and
- c. The property to the north of the Project site is bounded by Chino Avenue, Ontario Ranch Road to the south, Mill Creek Avenue to the east, west of Haven Avenue, and is currently vacant. The properties to the north, south, and west are presently vacant and previously used for agriculture and dairy uses. The property to the east is developed with an SCE Substation; and
- d. The Development Agreement establishes parameters for the development Planning Areas 5A, 5B, 5C, 5D and 5E (Residential Small Lot SFD/SCE Easement) of the Rich-Haven Specific Plan for residential and public/private streets, landscape neighborhood edges and common open space purposes. The Development Agreement also grants Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, the right to develop, the ability to quantify the fees; and, establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the West Ontario Commerce Center Specific Plan.
- e. The Development Agreement proposes to include approximately 80.61 acres of land within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential Small Lot SFD/SCE Easement land use designations) of the Rich-Haven Specific Plan; and

- f. The Agreement grants Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, a vested right to develop Tentative Tract Map 20134 as long as Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, comply with the terms and conditions of the Rich-Haven Specific Plan and EIR. Tentative Tract Map 20134 is located at the northeast corner of Haven and Schaefer Avenues and proposes to subdivide approximately 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges, and common open space purposes; and
- g. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and
- h. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and
- i. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and
- j. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in the addendum to the EIR (SCH#2006051081) prepared for the Rich-Haven Specific Plan (File No. PSP05-004) and certified by the City Council on December 4, 2007. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.
- <u>SECTION 6</u>. *Planning Commission Action*. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in the Rich-Haven Specific Plan and EIR, incorporated by this reference.
- <u>SECTION 7</u>. *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.
- <u>SECTION 8</u>. *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.

<u>SECTION 9</u>. *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar
Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom Planning Director Secretary of Planning Commission

Planning Commission Resolution File No. PDA18-005 April 23, 2019 Page 8	
STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro Tempore of the Planning Co City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. Poduly passed and adopted by the Planning Commission of the City of regular meeting held on April 23, 2019, by the following roll call vote, to very	C19, was Ontario at their
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
Gwen Berendsen	
Secretary Pro Tempore	

Exhibit "A"

File No. PDA18-005

Development Agreement By and Between the City of Ontario, a California municipal corporation,

and

Haven Ontario NMC 1, LLC a Florida limited liability company and

Haven Ontario NMC 2, LLC a Florida limited liability company

(Document follows this page)

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

City of Ontario 303 East "B" Street Ontario, California 91764 Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

File No. PDA18-005

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Haven Ontario NMC 1, LLC, a Florida limited liability company

and

Haven Ontario NMC 2, LLC, a Florida limited liability company

______, 2019

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. 18-005

This Development Agreement (hereinafter "Agreement") is entered into effective as of the _____ day of ______, 2019 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company as tenants in common (hereinafter "OWNER"):

RECITALS

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

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Rich-Haven Specific Plan (State Clearinghouse No. 2006051081 (the "FEIR") was certified by the City Council of the City of Ontario on December 4, 2007. The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Rich-Haven Specific Plan; and

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

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

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

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

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the "New Model Colony" area and the New Model Colony area has now been renamed as "Ontario Ranch."

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. <u>DEFINITIONS AND EXHIBITS</u>.

- 1.1 <u>Definitions</u>. The following terms when used in this Agreement shall be defined as follows:
 - 1.1.1 "Agreement" means this Development Agreement.
- 1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.
- 1.1.3 "Construction Agreement" means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and "Construction Agreement Amendment" means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.
- 1.1.4 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

- 1.1.5 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:
 - (a) specific plans and specific plan amendments;
 - (b) tentative and final subdivision and parcel maps;
 - (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
 - (e) zoning;
 - (f) grading and building permits.
- 1.1.6 "Development Exaction" means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.
- 1.1.7 "Development Impact Fee" means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code. as such codes may be amended or superseded, including by amendment or replacement.

- 1.1.8 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.
- 1.1.9 "Effective Date" means the date that the ordinance approving this Agreement goes into effect.
- 1.1.10 "Existing Development Approvals" means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit "C" and all other Approvals which are a matter of public record on the Effective Date.
- 1.1.11 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date.
 - 1.1.12 "General Plan" means the General Plan adopted on January 27, 2010.
- 1.1.13 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract No. 20134 as further described in Exhibits "F-1A" through "F-4" (the "Infrastructure Improvements Exhibits").
- 1.1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:
 - (a) the conduct of businesses, professions, and occupations;
 - (b) taxes and assessments;
 - (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
 - (e) the exercise of the power of eminent domain.
- 1.1.15 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

- 1.1.16 "Model Units" means a maximum of forty-four (44) model units, with a maximum of twenty-two (22) in each Phase, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units for the respective Phase.
- 1.1.17 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.
- 1.1.18 "Phase 1 Improvements" means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for Production Units and as shown in Exhibit F- Phase 1 Improvements."
- 1.1.19 "Phase 1 Units" means approximately three-hundred eighty-two (382) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 1 Area for which the CITY issues building permits to OWNER and shall include up to twenty-two (22) Model Units and such units are served by the Phase 1 Improvements.
- 1.1.20 "Phase 2 Improvements" means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for Phase 2 Units and as shown in Exhibit F Phase 2 Improvements."
- 1.1.22 "Phase 2 Units" means approximately two-hundred ninety-six (296) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 2 Area for which the CITY issues building permits to OWNER and shall include up to twenty-two (22) Model Units, and such units are served by the Phase2 Improvements.
- 1.1.23 "Production Unit(s)" means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.
- 1.1.24 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.
- 1.1.25 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.
- 1.1.26 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

- 1.1.27 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Rich-Haven Specific Plan."
- 1.1.28 "Storm Water Treatment Capacity Availability" means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.
- 1.1.29 "Subsequent Development Approvals" means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.
- 1.1.30 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.
- 1.1.31 "Water Availability Equivalent (WAE)" means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the issuance of each building permit shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as "Water Availability Equivalents by Land Use" for each land use category.
- 1.2 <u>Exhibits</u>. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A" — Legal Description of the Property.

Exhibit "B" — Map showing Property and its location.

Exhibit "C" — Existing Development Approvals.

Exhibit "D" — Existing Land Use Regulations.

Exhibit "E" — Phasing Plan

E-1 – Phase 1 Improvements

E-2 – Phase 2 Improvements

Exhibit "F" — Infrastructure Improvements Exhibits

F-1A- Phase 1 Offsite Infrastructure Improvements

F-1B – Phase 1 Secondary Access Offsite Infrastructure Improvements

F-2 – Phase 1 Onsite Infrastructure Improvements

- F- 3 Phase 2 Offsite Infrastructure Improvements
- F-4 Phase 2 Onsite Infrastructure Improvements

2. GENERAL PROVISIONS.

- 2.1 <u>Binding Effect of Agreement</u>. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.
- 2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.
- 2.3 <u>Term.</u> The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:
- (a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and
- (b) In non-mixed use and residential use only projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and
 - (c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

- 2.4.1 <u>Right to Assign</u>. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, <u>et seq.</u>), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:
- (a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.
- (b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing,

of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

- (c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.
- 2.4.2 <u>Release of Transferring Owner</u>. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:
- (a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.
 - (b) OWNER is not then in default under this Agreement.
- (c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.
- (d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.
- 2.4.3 <u>Effect of Assignment and Release of Obligations</u>. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:
- (a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").
- (b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

- (c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.
- 2.4.4 <u>Subsequent Assignment</u>. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.
- 2.4.5 <u>Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction</u>. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:
- (a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,
- (b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.
- Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.
- 2.5.1 <u>Amendment to Reflect Consistency With Future Amendments to the Construction Agreement</u>. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the

same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

- 2.6 <u>Termination</u>. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:
- (a) Expiration of the stated term of this Agreement as set forth in Section 2.3.
- (b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.7 Notices.

- (a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.
- (b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager City of Ontario 303 East "B" Street Ontario, CA 91764

with a copy to:

John Brown, City Attorney Best Best & Krieger 2855 East Guasti Road, Suite 400 Ontario, CA 91761

If to OWNER:

Haven Ontario NMC 1, LLC 3161 Michelson Drive, Suite 425 Irvine, CA 92612

Attn: Craig Cristina

Email: ccristina@richlandcommunities.com

Phone: (949) 383-4124 Fax: (949) 261-7016

Haven Ontario NMC 2, LLC 3161 Michelson Drive, Suite 425

Irvine, CA 92612 Attn: Craig Cristina

Email: ccristina@richlandcommunities.com

Phone: (949) 383-4124 Fax: (949) 261-7016

with a copy to:

Richland Legal Department 3161 Michelson Drive, Suite 425 Irvine, CA 92612

Attn: Courtney Nelson

Email: cnelson@richlandinvestments.com

Phone: (949) 261-7010 x210

Fax: (949) 261-7013

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

DEVELOPMENT OF THE PROPERTY.

- 3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.
- 3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.
- 3.3 <u>Timing of Development</u>. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in <u>Pardee Construction Co. v. City of Camarillo</u> (1984) 37 Ca1. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.
- 3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.
 - 3.4.1 Attached hereto as Exhibit "F" is a description of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

- 3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of twenty-two (22) Model Units per Phase, private common recreation facilities and sales facilities. CITY may issue a maximum of twenty-two (22) building permits per Phase for Model Units in addition to private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and other facilities.
- 3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:
 - (a) Alter the permitted uses of the Property as a whole; or,
- (b) Increase the density or intensity of use of the Property as a whole; or,
 - (c) Increase the maximum height and size of permitted buildings; or,
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 <u>Limitations, Reservations and Exceptions</u>. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;
- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.
- 3.6.2 <u>Subsequent Development Approvals</u>. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.
- 3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that

nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

- 3.6.4 <u>Intent</u>. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.
- 3.7 <u>Public Works; Utilities</u>. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.
 - 3.7.1 OWNER agrees that development of the Project shall require the construction of master planned storm drain improvements from the Property to Haven Avenue Storm Drain (Phase 1) and from the Property to the ultimate connection with the County Line Channel (Phase 2) as described in Exhibits F-1A through F-4. OWNER shall be responsible for the design, construction, and completion of the required master planned storm drain improvements as shown in Exhibits F-1A through F-4.
 - 3.7.2 OWNER agrees that development of the Project shall require the construction of Master Planned street improvements on Haven Avenue and Mill Creek Avenue, including signalization as described in Exhibits F-1A through Exhibit F-4.
 - 3.7.2.1 <u>Street Improvements Phasing.</u> OWNER shall design, construct and complete Street Improvements as described in Exhibits F-1A through F-4. The Street Improvements as shown on Exhibits F-1A and F-2 shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 1 Units. The Mill Creek Avenue Street Improvements as shown on Exhibit F-1B shall be commenced prior to, and as a condition precedent to OWNER requesting the issuance of the 251st Production Permit for Phase 1 Units in the event a secondary point of access has not been constructed and completed by other Developers through Tract 20081 to Ontario Ranch Road, and such Mill Creek Avenue improvements shall be designed and constructed in a manner acceptable to the City Engineer which shall consist

of two lanes between the Project entry at Street "G" and the existing intersection at Ontario Ranch Road as generally described in Exhibit F-1B. If the secondary point of access through Tract 20081 to Ontario Ranch Road has been constructed by other Developers and accepted by the City Engineer, OWNER may construct the remaining 132 Production Units for Phase 1 without requiring the Mill Creek Street improvements described in Exhibit F-1B. The Street Improvements as shown on Exhibits F-3 and F-4, shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 2 Units. The Phase 2 Mill Creek Avenue Improvements shall consist of full improvements along the project frontage and two lanes between the southern project boundary and the existing intersection at Ontario Ranch Road in a manner acceptable to the City Engineer as shown in Exhibit F-3.

- 3.7.2.2 <u>Mill Creek Sewer & Storm Drain Improvements and Phasing.</u>
 OWNER shall be required to complete the designs and commence construction of the sewer and storm drain improvements as shown in Exhibit F-3, prior to and as a condition precedent to OWNER requesting a Production Unit building permit for a Phase 2 Unit. The Mill Creek Sewer & Storm Drain Improvements shall consist of project frontage improvements and offsite improvements south of the Project to the point of connection existing at the time of construction south of Ontario Ranch Road as described in Exhibits F-3.
- Rich-Haven Master Planned Storm Drain Alternative. 3.7.2.3 OWNER shall design, construct and complete onsite master planned storm drain improvements as described in Exhibit F-2. The master planned Storm Drain Improvements as shown on Exhibits F-2 describes a Primary Alignment and an Alternative Alignment. The "Primary Alignment" means the Storm Drain improvements through the Property to Haven Avenue Storm Drain per the existing City Master Plan of Drainage. The "Alternative Alignment" means an alternative alignment to the Master Plan with Storm Drain improvements through APN 0218-161-13 to Haven Avenue Storm Drain north of the Property. The OWNER shall design, construct, and complete either the Primary Alignment or the Alternative Alignment through APN 0218-161-13 (the adjacent property to the north). In the event the Alternative Alignment is deemed infeasible, the OWNER shall provide a written explanation to the City, and shall design, construct, and complete the Primary Alignment to the satisfaction of the City Engineer.
- 3.7.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility infrastructure for each Phase as described in Exhibits F-1A through Exhibit F-4, consisting generally of the construction of the extension of permanent master planned water and recycled water utility improvements to serve the respective Phase of the Property. OWNER agrees that no building permits shall be issued

by CITY for Phase 1 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibits F-1A and F-2. OWNER also agrees that no building permits shall be issued by the CITY for the Phase 2 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibit F-3 and F-4.

OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during any grading of the Property.

- 3.7.4 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Haven Avenues to be constructed by CITY. These master planned recycled water Improvements shall also serve the Project. OWNER shall deposit, with NMC Builders an amount equal to the OWNER's capital contribution for the design and construction of the remaining NMC Builders portion of the recycled water improvements in Haven Avenues known as the "remainder of the Phase 2 Recycled Water Improvements" within thirty (30) days after CITY requests funds from NMC Builders for the remainder of the project. If OWNER has not deposited such amount, with NMC Builders within thirty (30) days after CITY requests such funds from NMC Builders, then CITY shall be entitled to withhold issuance of any further permits (whether discretionary or ministerial) for the Project unless and until OWNER deposits the amount of OWNER's capital contribution with NMC Builders for the remainder of the funding requested by CITY from NMC Builder for the construction of the remaining NMC Builders portion of the Phase 2 Recycled Water System Improvements.
- 3.7.5 OWNER agrees that development of the Property shall require the extension of permanent master planned sewer improvements, at OWNER's sole cost and expense, as described in the attached Exhibits F-1A through Exhibit F-4, consisting generally of the construction of the extension of sewer infrastructure within Haven Avenue and Mill Creek Avenue to serve the respective Phase of the Property. Owner agrees that no building permits shall be issued by CITY for Phase 1 Production Units prior to, and as a condition precedent to the completion of the sewer improvements as described in Exhibits F-1A and F-2. OWNER also agrees that no building permits shall be issued by the CITY for the Phase 2 Units prior to, and as a condition precedent to, the completion of the sewer improvements as described in Exhibit F-3 and F-4.
- 3.7.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibits F-1A through Exhibit F- 4 consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the respective Phase of the Property. OWNER agrees that no building permits shall be issued by the CITY for Phase 1 Units prior to, and as a condition precedent to the completion of master planned fiber optic communications infrastructure as described in Exhibits F-1A

- and F-2. OWNER also agree that no building permits shall be issued by the CITY for the Phase 2 Units prior to, and as a condition precedent to the completion of the master planned fiber optic communications infrastructure as described in Exhibit F-3 and F-4.
- 3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.
 - 3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.
 - 3.8.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY

shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

- 3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.
- 3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date of this Agreement.; The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 <u>Intent</u>. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

- 4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.
- 4.2.2 <u>Time of Payment</u>. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.
- 4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. CITY and OWNER agree that Lots A through E of 6.52 net acres combined shall satisfy OWNER's additional park development requirement. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the infrastructure construction within the Property shall be as approved by the CITY. OWNER shall be responsible for the timely design, construction and completion of all public infrastructure required for each Phase of the Project as described in this Agreement and as shown on the attached Exhibits for each Phase of the Project. OWNER shall also be responsible for compliance with any and all other tract map conditions. Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements of Tract Map 20134 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for Phase 1 Units. Additionally, unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions for Tract Map 20134 in the Phase 2 area shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within the Phase 2 area of the Property.

- 4.3.1.1 Subject to the provisions of Section 3.7 above, OWNER shall design, or design construct and complete all public infrastructure required for Phase 1 of the Project as shown on Exhibits F-1A and F-2 prior to, and as a condition precedent to, CITY's issuance of the first building permit for Production Units for the Property.
- 4.3.1.2 OWNER shall design, or design, construct and complete all public infrastructure for Phase 2 as shown in Exhibits F-3 and F-4, prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the portion of the Project designated as the Phase 2 area on the Conceptual Phasing Plan (Exhibit E). Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements Tract Map 20134 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase 2 Units.
- 4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC or as a merchant builder to offset OWNER's DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.
- 4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 <u>Affordable Housing- Number of Units.</u> OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low

and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.4.2.1 through 4.4.2.3. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

- 4.4.2 <u>Affordability Spread</u>. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.
 - 4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.
 - 4.4.2.2 <u>Rehabilitation</u>. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also

address any deferred property maintenance issues on the property. "Substantial rehabilitation" shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date of this Agreement. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

If OWNER has not fully complied with the In-Lieu Fee. requirements of Section 4.4.2 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an "Affordability In-Lieu If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars Fifty-Three Cents (\$2.53) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars Twenty-One Cents (\$2.21) per square foot of residential development within OWNER's Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER's Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER's election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Fifty-Three Cents (\$2.53) and the Two Dollars Twenty-One Cents (\$2.21) per square foot amounts shall automatically be increased annually, commencing on July 1, 2019, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in

the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, "Maximum Development Density" shall be determined by multiplying the OWNER's Project's density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER's Project. All "Affordability In-Lieu Fees" collected by the City shall be used to promote the construction of affordable housing within the City.

- 4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.
- 4.4.2.5 <u>Transfer of Affordable Project</u>. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of

a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by any of the following or any combination thereof: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

4.6 Public Services Funding Fee.

- 4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.
- 4.6.2 <u>Public Services Funding Fee Amount</u>. OWNER shall pay a Public Services Funding fee in the total amount of Two Thousand Forty-Eight dollars (\$2,048) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of the Development Agreement or in two (2) installments, at OWNER's option, as follows:
 - 4.6.2.1 <u>First Installment (Residential uses)</u>. The First Installment of the Public Services Funding Fee shall be One Thousand Twenty-Four Dollars (\$1,024) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the effective date of this Development Agreement.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on "B Maps" if approved) by January 1, 2020, the amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100)

over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Los Angeles-Anaheim-Riverside) on each January 1 thereafter.

- 4.6.2.2 <u>Second Installment (Residential Uses)</u>. The Second Installment of the Public Services Funding Fee shall be One Thousand Twenty-Four Dollars (\$1,024) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2020. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.
- 4.6.2.3 <u>Single Installment (Non-residential Uses)</u>. A single installment payment of the Public Services Funding Fee shall be required in the amount of Sixty-One Cents (\$0.61) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2020. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

- 4.7.1 Effectiveness of Agreement. Notwithstanding anything else set forth in this Agreement, CITY and OWNER each acknowledge, confirm, and agree, that (i) the City approval of this Agreement and (ii) the effectiveness of this Agreement, in each case, is conditioned upon OWNER's admission to NMC Builders as a "Member" thereof pursuant to the terms and conditions of the operating agreement of NMC Builders. OWNER and CITY agree that if OWNER is not already a Member or an Affiliate Member of NMC Builders, OWNER shall become a Member or an Affiliate Member of NMC Builders within 30 days of effective date of this Agreement
- 4.7.2 <u>Assigned Net MDD/Water Availability Equivalents</u>. OWNER acknowledges that the City has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC.

NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by City. The provisions of the Construction Agreement Amendment require that the City shall not approve a final tract map or issue building permits or certificates of occupancy for the area of development within Ontario Ranch served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

- 4.7.3 <u>Use of Assigned Net MDD Water Availability</u>. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, the City's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for City's approval of a tract map shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement Amendment as "Water Demand Equivalents by Land Use" for each land use category.
- 4.7.4 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.
- 4.8 Storm Water Capacity Availability.
 - 4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.7 of this Agreement.
 - 4.8.2 <u>Use of Storm Water Treatment Capacity Availability</u>. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the Net Residential Acreage of the area to be graded regardless of the corresponding use.
 - 4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.
- 4.9 <u>Maintenance of Open Space</u>. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners' association as approved by the

CITY. Covenants, conditions and restrictions establishing any homeowners' association shall be approved by the Planning Director and City Attorney.

4.10 Compliance with Public Benefits Requirements.

4.10.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

FINANCING OF PUBLIC IMPROVEMENTS.

Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Tract Map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that shall initially be \$1,622.00 per Single Family Detached Dwelling Unit, \$1,406.00 per Multiple-Family Dwelling Unit, \$1,179.00 per Gated Apartment Community Dwelling Unit, and \$.30 per square foot for Non-Residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any

resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. <u>REVIEW FOR COMPLIANCE</u>.

- 6.1 Periodic and Special Reviews.
- 6.1.1 <u>Time for and Initiation of Periodic Review</u>. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. OWNER shall be entitled to initiate up to one additional Periodic Review each calendar year in order to demonstrate good faith compliance by the OWNER to any third party. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.
- 6.1.2 <u>Initiation of Special Review</u>. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:
 - (1) Recommendation of the Planning staff;
 - (2) Affirmative vote of at least four (4) members of the Planning Commission: or
 - (3) Affirmative vote of at least three (3) members of the City Council.
- 6.1.3 <u>Notice of Special Review</u>. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days

in advance of the time at which the matter will be considered by the Planning Commission.

- 6.1.4 <u>Public Hearing</u>. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.
- 6.1.5 <u>Findings Upon Public Hearing</u>. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

- (a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.
- (b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.
- (c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.
- 6.2 <u>Proceedings Upon Modification or Termination</u>. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:
 - (a) The time and place of the hearing;
 - (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
 - (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.
- 6.3 <u>Hearing on Modification or Termination</u>. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall

be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 <u>Remedies in General</u>. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.
- 8.2 <u>Specific Performance</u>. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-

monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- (a) Money damages are unavailable against CITY as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.
- 8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.
- 8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.
- 8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has

failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

- 9.1 <u>General Plan Litigation</u>. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.
- 9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.
- 9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.
- 9.4 <u>Environment Assurances</u>. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense,

including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

- 9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.
- 9.6 <u>Survival</u>. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

- (a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.
- (b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.
- (c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.
- (d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall

have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

- 11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.
- 11.2 <u>Entire Agreement</u>. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.
- 11.3 <u>Severability</u>. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.
- 11.4 <u>Interpretation and Governing Law</u>. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

- 11.5 <u>Section Headings</u>. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.
- 11.6 <u>Singular and Plural</u>. As used herein, the singular of any word includes the plural.
- 11.7 <u>Joint and Several Obligations</u>. Subject to section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.
- 11.8 <u>Time of Essence</u>. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.
- 11.9 <u>Waiver</u>. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.
- 11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.
- 11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.
- 11.12 <u>Mutual Covenants</u>. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.
- 11.13 <u>Successors in Interest</u>. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the

Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

- 11.14 <u>Counterparts</u>. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.
- 11.15 <u>Jurisdiction and Venue</u>. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.
- 11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.
- 11.17 <u>Further Actions and Instruments</u>. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.
- 11.18 <u>Eminent Domain</u>. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.
- 11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is

not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 <u>Authority to Execute</u>. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT

"OWNER"

HAVEN ONTARIO NMC 1, LLC, a Florida limited liability company,
By: Name: Its:
Date:
HAVEN ONTARIO NMC 2, LLC, a Florida limited liability company
By: Name: Its:
Date:
"CITY"
CITY OF ONTARIO
By:Scott Ochoa
City Manager
Date:
ATTEST:
City Clerk, Ontario

City Attorney
BEST, BEST & KREIGER LLP
7.1. 1.1. 1.2. 1.6. 1.6.1. 6.1. 1.1. 1.1.
APPROVED AS TO FORM:

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF)
On , 20 , befor	re me,
Date	re me,, Insert Name and Title of the Officer
personally appeared	
	Name(s) of Signer(s)
subscribed to the within instrument and same in his/her/their authorized capacity	ctory evidence to be the person whose name(s) is/are acknowledged to me that he/she/they executed the y, and that by his/her/their signature(s) on the pon behalf of which the person(s) acted, executed the
	I certify under PENALTY OF PERJURY under the laws
	of the State of California that the foregoing
	paragraph is true and correct.
	WITNESS my hand and official seal.
	SignatureSignature of Notary Public
	Signature of Notary Public

42

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF))	
On	_, 20	, before m	,,
Date			Insert Name and Title of the Officer
personally appeared			
			Name(s) of Signer(s)
same in his/her/their a	uthorized	l capacity, an	nowledged to me that he/she/they executed the d that by his/her/their signature(s) on the behalf of which the person(s) acted, executed the
			certify under PENALTY OF PERJURY under the laws
			of the State of California that the foregoing paragraph is true and correct.
		,	NITNESS my hand and official seal.
		9	SignatureSignature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF)	
On	, 20	, before me,	
			, ,
personally appeared _			me(s) of Signer(s)
same in his/her/their	authorize	d capacity, and e entity upon b I c of pa	whedged to me that he/she/they executed the that by his/her/their signature(s) on the ehalf of which the person(s) acted, executed the ertify under PENALTY OF PERJURY under the laws the State of California that the foregoing eragraph is true and correct. ITNESS my hand and official seal.
		Siį	gnatureSignature of Notary Public

Place Notary Seal Above

EXHIBIT "A" TO DEVELOPMENT AGREEMENT

Legal Description of Property

REAL PROPERTY IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location



EXHIBIT "C" TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On October 23, 2007 the Planning Commission:

- a) Issued Resolution No. PC07-125 recommending City Council certification of the Rich-Haven Specific Plan EIR (SCH#2006051081).
- b) Issued Resolution No. PC07-127 recommending to City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004)

On December 4, 2007, the City Council:

- a) Issued Resolution No. 2007-145 certifying the Rich-Haven Specific Plan EIR (SCH#2006051081).
- b) Adopted Ordinance No. 2884 approving the Rich-Haven Specific Plan.

On February 23, 2016, the Planning Commission:

- a) Issued Resolution No. PC16-003 recommending City Council adoption of an Addendum to the Rich-Haven EIR.
- b) Issued Resolution PC16-004 recommending approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-001).

On March 15, 2016, the City Council:

- a) Issued Resolution No. 2016-024 for the adoption of an Addendum (File No. PSPA16-001) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2016-025 approving an Amendment (File No. PSPA16-001) to the Rich-Haven Specific Plan.

On January 23, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-014 recommending City Council adoption of an Addendum to the Rich-haven EIR.
- b) Issued Resolution No. PC18-015 recommending to City Council adoption of the Rich-Haven Specific Plan Amendment (File No. PSPA16-005).

On February 20, 2018, the City Council:

- a) Issued Resolution No. 2018-017 for the adoption of an Addendum (File No. PSPA16-005) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2018-018 approving an Amendment (File No. PSPA16-005) to the Rich-Haven Specific Plan.

EXHIBIT "C" CONTINUED TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On April 23, 2019, the Planning Commission:

- a) Issued Resolution No. PC19-XXX for the approval of Tentative Tract Map No. 20134 (File No. PMTT17-013)
- b) Issued Resolution No. PC19-XXX recommending to City Council approval of the Development Agreement (File No. PDA18-005)

EXHIBIT "D" TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

- 1. The Rich-Haven Specific Plan (File No. PSP05-004) Environmental Impact Report, Resolution No. 2007-145.
- 2. The Rich-Haven Specific Plan (File No. PSP05-004), Ordinance No. 2884.
- 3. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-001) Environmental Impact Report, Resolution No. 2016-024.
- 4. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-001), Resolution No. 2016-025.
- 5. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-005) Environmental Impact Report, Resolution No. 2018-017.
- 6. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-005), Resolution No. 2018-018.
- 7. City of Ontario Municipal Code
 - a. Six Sanitation & Health
 - b. Seven Public Works
 - c. Eight Building Regulations
 - d. Nine Development Code
 - e. Ten Parks & Recreation

EXHIBIT "E-1" TO DEVELOPMENT AGREEMENT

Phase 1 Development Area

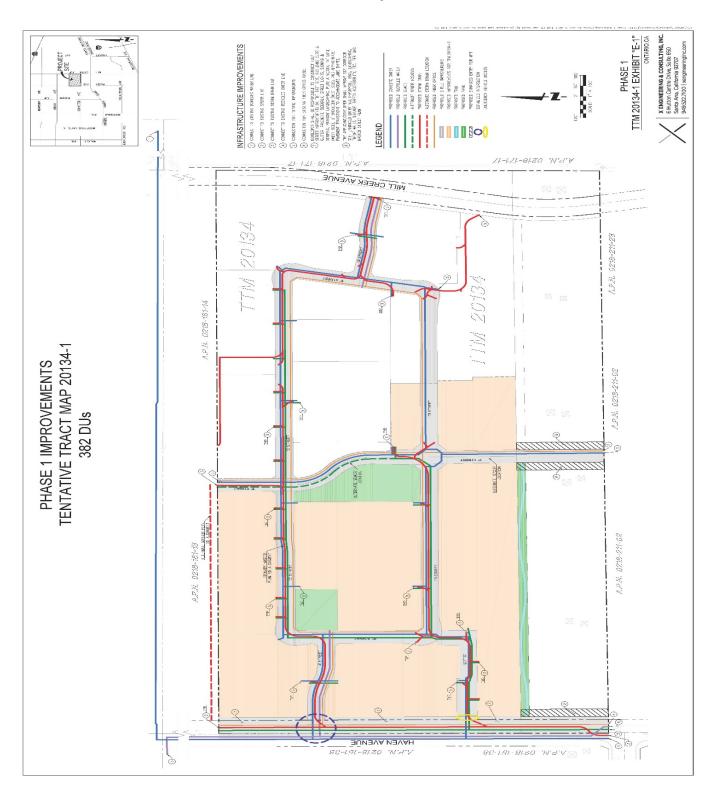


EXHIBIT "E-2" TO DEVELOPMENT AGREEMENT

Phase 2 Development Area

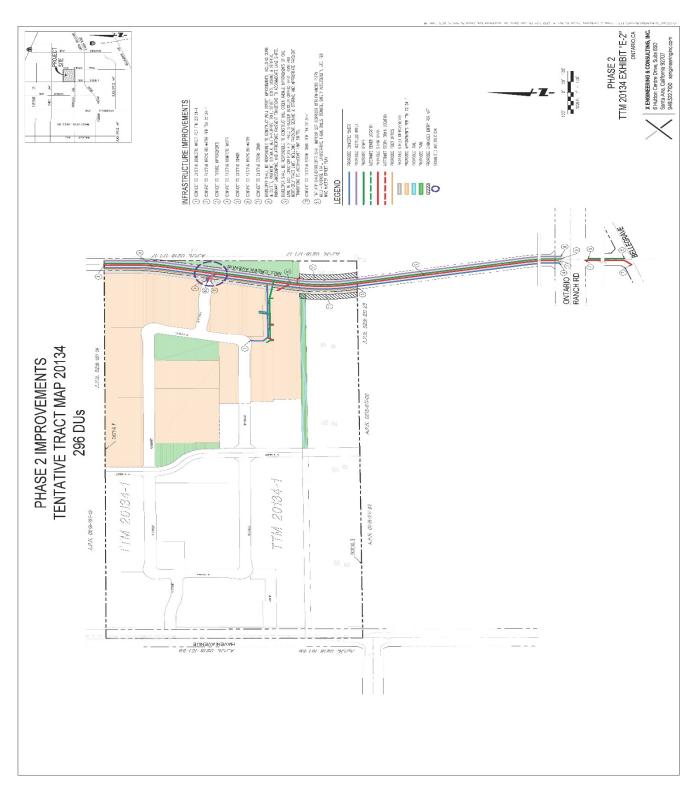


EXHIBIT "F-1A" TO DEVELOPMENT AGREEMENT

Phase 1 – Required Offsite Infrastructure Improvements

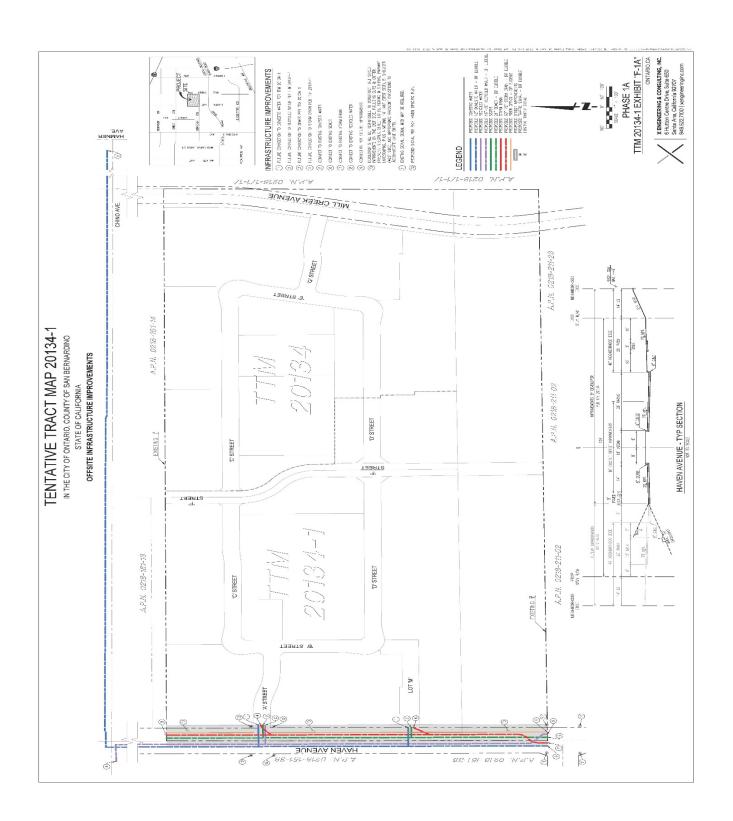


EXHIBIT "F-1B" TO DEVELOPMENT AGREEMENT

Phase 1 - Secondary Access Requirements

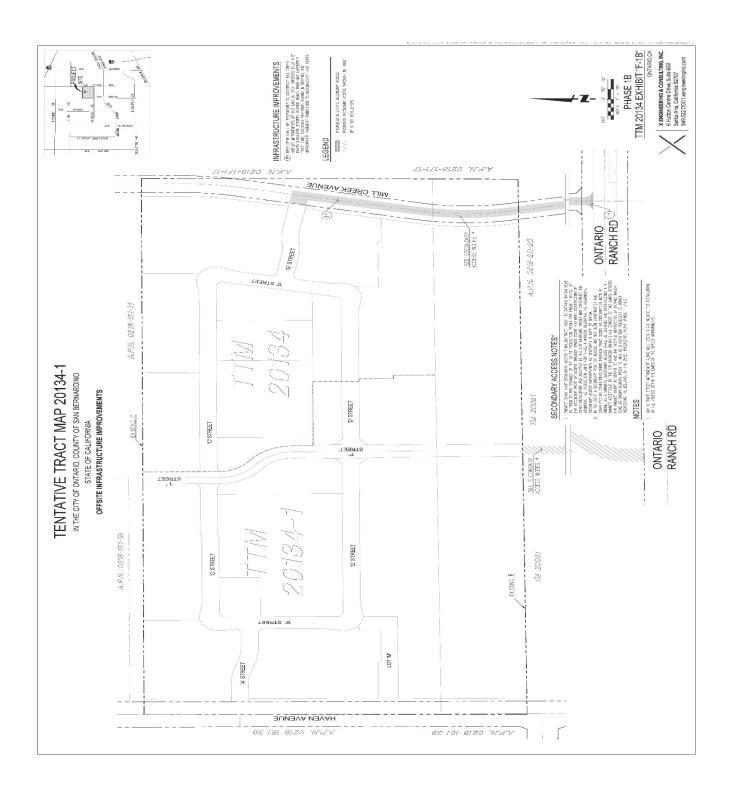


EXHIBIT "F-2" TO DEVELOPMENT AGREEMENT

Phase 1 – Required Onsite Infrastructure Improvements

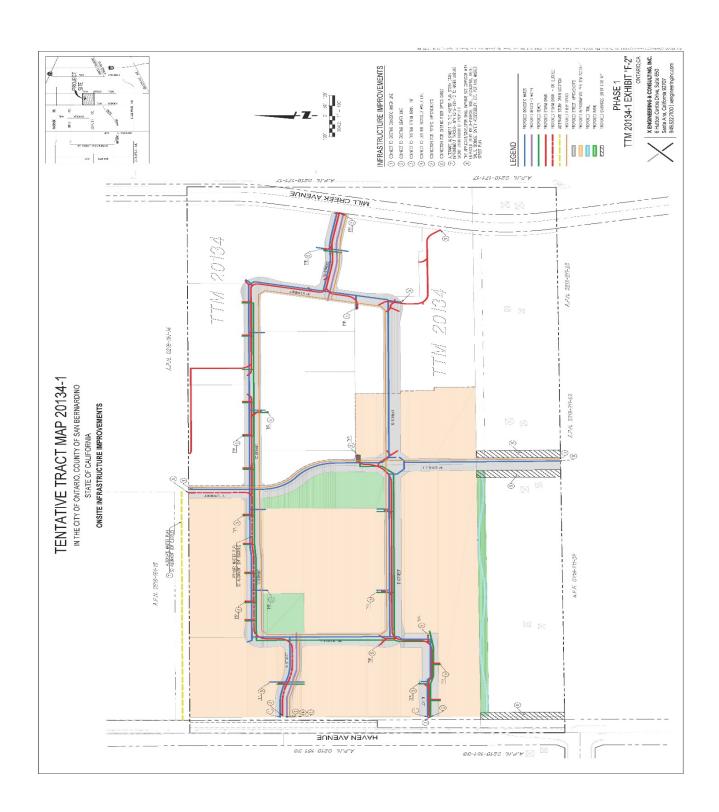


EXHIBIT "F-3" TO DEVELOPMENT AGREEMENT

Phase 2 – Required Offsite Infrastructure Improvements

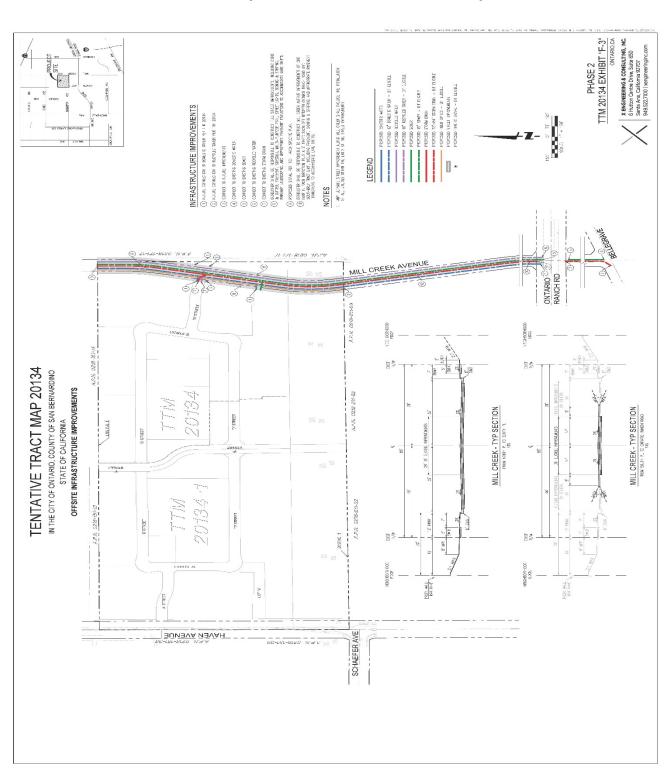
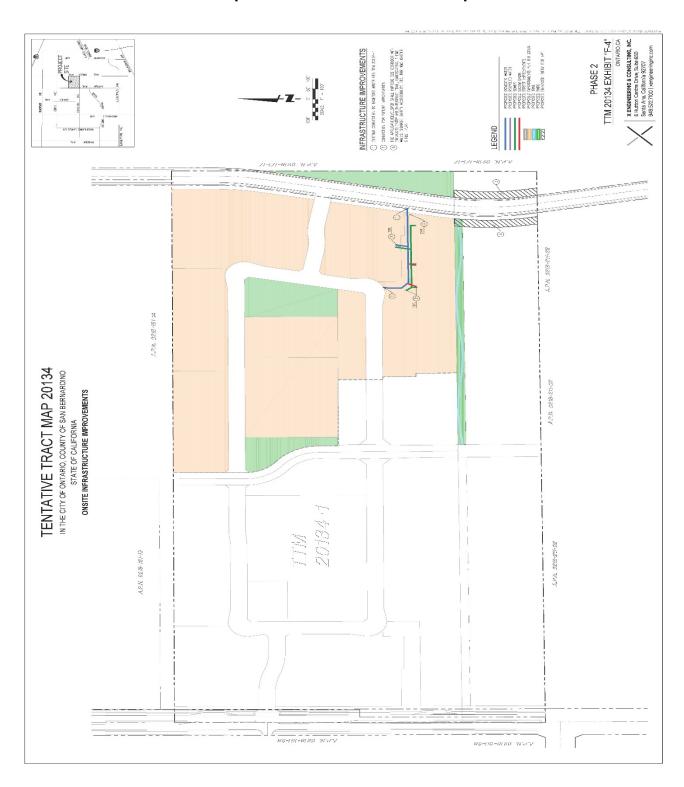


EXHIBIT "F-4" TO DEVELOPMENT AGREEMENT

Phase 2 – Required Onsite Infrastructure Improvements





FILE NO.: PDA05-002

SUBJECT: A Development Agreement Amendment (Third Amendment – File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC, to remove approximately 2.43 acres of land from the Development Agreement and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010) for property located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 9 (Multi-Family Attached land use designation) of the Parkside Specific Plan (APN: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, and 0218-221-10). Submitted by SC Ontario Development Company, LLC. City Council action is required.

PROPERTY OWNER: SC Ontario Development Company, LLC, a Delaware limited liability company

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement Amendment (Third Amendment - File No. PDA05-002), between the City of Ontario and SC Ontario Development Company, LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site, depicted in Figure 1: Project Location, is comprised of 40.36 acres of land located north of Eucalyptus Avenue, south of Ontario Ranch Road, east of Carpenter Avenue, and west of the Cucamonga Creek Channel within Planning Areas 7 through 10 of the Parkside Specific Plan. The properties to the north, south, and west, are developed with



Figure 1: Project Location

Case Planner:	Derrick Womble, Admipistrative Officer		
Planning Director Approval:	(ally		
Submittal Date:	March 25, 2019		

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	04/23/2019		Recommend
CC	06/04/2019		Final

File No.: PDA05-002

April 23, 2019

agriculture and dairy uses and currently vacant. The property to the east is currently developed with the Cucamonga Creek Channel.

PROJECT ANALYSIS:

[1] <u>Background</u> — On July 25, 2006, the Planning Commission approved Tentative Tract Map No. 18048 (File No. PMTT06-039), pending approval of the Parkside Specific Plan, File No. PSP03-002 ("Specific Plan"). Tract Map No. 18048 proposed to subdivide 104.13 acres of land into 25 lots, facilitate the backbone infrastructure improvements (major streets, sewer, water, storm drain facilities) and the creation of residential neighborhoods, the commercial center, community facilities (fire station), and parks for the eastern portion of the Specific Plan. On August 15, 2006, the City Council approved the Specific Plan and certified the Environmental Impact Report (EIR).

On September 19, 2006, the City Council approved a Development Agreement, File No. PDA05-002 ("Original Agreement"), between the City of Ontario and SC Ontario Development Company, LLC ("Applicant") to provide the funding for additional City services required to support the Specific Plan residential development of up to 1,947 residential units and the infrastructure improvements required to support the related Tract Map No. 18048.

On June 16, 2009, the City Council approved an amendment to the Original Agreement ("First Amendment") to allow Tract Map No. 18048 to be recorded for the purpose of financing. On April 4, 2017, the City Council approved a second amendment to the Original Agreement ("Second Amendment"), to update the Original Agreement to conform with the current Construction Agreement with NMC Builders, LLC, and to provide for the phasing of the construction of public infrastructure for 250 acres of the Specific Plan.

The main points of the Original Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect. State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the Original Agreement.

[2] <u>Staff Analysis</u> – The Ontario Plan designates Eucalyptus Avenue as a four-lane collector street running the length of the City and eventually connecting to Hamner Avenue to the east. Currently, the portion of Eucalyptus Avenue bordering the southern portion of the Parkside Specific Plan (Planning Area 9) is an unpaved road.

The adjacent property to the south of Eucalyptus Avenue is owned by Ontario Land Ventures, LLC ("OLV"). In 2016, OLV submitted the West Ontario Commerce Center Specific Plan (File No. PSP16-002), which was adopted by the City Council on July 3,

File No.: PDA05-002

April 23, 2019

2018. As part of the circulation plan of the West Ontario Commerce Center Specific Plan, Eucalyptus Avenue is intended to be ultimately developed as an 84-foot wide street within a 108-foot right-of-way, including a striped median. The alignment for Eucalyptus Avenue will curve to the north, cross Carpenter Avenue, and connect with the existing street west of the Specific Plan area.

OLV is required to design, construct, and complete a significant portion of Eucalyptus Avenue as part of their Development Plan (PDEV17-057) and Development Agreement (File No. PDA17-003). OLV has since acquired the right-of-way from the Applicant and is proceeding with design drawings. The transfer of the Eucalyptus Avenue right-of-way (approximately 2.43 acres) from the Applicant's property to OLV necessitates an update to the legal description associated with the Development Agreement, requiring an amendment ("Third Amendment") to the Original Agreement (File No. PDA05-002).

Staff finds that the Third Amendment is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the Third Amendment to the Development Agreement. If the Planning Commission finds the Third Amendment acceptable, a recommendation of approval to the City Council would be appropriate.

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
- 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] 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.

File No.: PDA05-002

April 23, 2019

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

[3] Policy Plan (General Plan)

Land Use Element:

- ➤ <u>LU1-1 Strategic Growth</u>. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
- ➤ <u>LU2-6</u>: <u>Infrastructure Compatibility</u>: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Design Element:

- ➤ <u>CD2-13 Entitlement Process</u>. 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.
- ➤ <u>CD3-1 Design</u>. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- ➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- ➤ <u>CD3-5 Paving</u>. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- ➤ <u>CD3-6 Landscaping</u>. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

File No.: PDA05-002

April 23, 2019

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

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

File No.: PDA05-002

April 23, 2019

EXHIBIT "A" LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

EXHIBIT "A"

SHEET 1 OF 1

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02—139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY:

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89° 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

Last Update: 12/04/18 0:\3290\LLA\GRANT DEED\3290_DEED.dwg

PREPARED UNDER THE SUPERVISION OF:

DATE

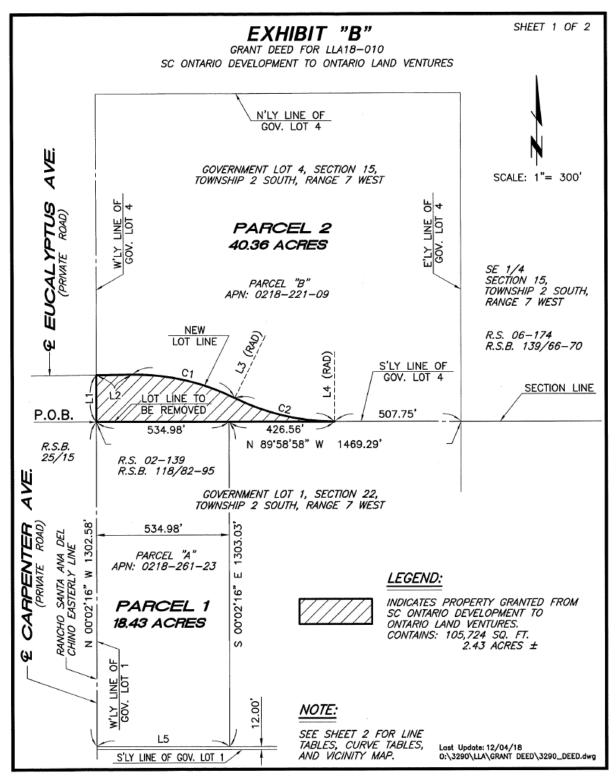
PREPARED BY:

OThienes Engineering, Inc.

CIVIL ENGINEERING • LAND SURVEYING
14:349 FIRESTONE BOULEVARD
IA MIRADA, CALIFORNIA 90658
PH.(714)521-4811 FAX(714)521-4173

BRIAN L. THIENES P.L.S. NO. 5750 REG. EXP. DEC. 31, 2019 MAL LAND L. THI MESON * NO. 5750 ** April 23, 2019

EXHIBIT "B"
DEPICTION OF LLA 18-010 PROPERTY



File No.: PDA05-002

April 23, 2019

EXHIBIT "C" PARKSIDE SPECIFIC PLAN



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL THIRD AMENDMENT THE DEVELOPMENT APPROVE TO AGREEMENT (FILE NO. PDA05-002), BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO REMOVE APPROXIMATELY 2.43 ACRES OF PROPERTY FROM THE DEVELOPMENT AGREEMENT AND CHANGE DESCRIPTION IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE. WITHIN PLANNING AREA 9 (MULTI-FAMILY ATTACHED LAND USE DESIGNATION) OF THE PARKSIDE SPECIFIC PLAN (APNS: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, AND 0218-221-10).

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

"The Legislature finds and declares that:

- (a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- (b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2 provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ..."

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 19, 2006, the City Council of the City of Ontario, adopted Ordinance No. 2841, approving the original Development Agreement (File No. PDA05-002), between SC Ontario Development Company, LLC, and the City; and

WHEREAS, on June 16, 2009, the City Council of the City of Ontario, adopted Ordinance No. 2908, approving a First Amendment to the Development Agreement (File No. PDA09-002), between SC Ontario Development Company, LLC, and the City; and

WHEREAS, on April 4, 2017, the City Council of the City of Ontario, adopted Ordinance No. 3012, approving a Second Amendment to the Development Agreement (File No. PDA14-007), between SC Ontario Development Company, LLC, and the City; and

WHEREAS, attached to this resolution, marked Exhibit "A" and incorporated herein by this reference, is the proposed Third Amendment to the Development Agreement between SC Ontario Development Company, LLC and the City of Ontario, File No. PDA05-002. Hereinafter in this Resolution, the Third Amendment to Development Agreement is referred to as the "Amendment"; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the environmental impacts of this project were reviewed with the West Ontario Commerce Center Specific Plan (File No. PSP16-002) (SCH#2017041074) certified by the City Council on July 3, 2018. This project introduces no new significant

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

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

- SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted West Ontario Commerce Center Specific Plan (SCH#2017041074) that was adopted by the City Council on July 3, 2018 and supporting documentation. Based upon the facts and information contained in the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) and supporting documentation, the Planning Commission finds as follows:
- (1) The environmental impacts of this project were previously reviewed in conjunction with the previously adopted West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and
- (2) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.
- (3) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.
- (4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and
- <u>SECTION 2</u>: **Subsequent or Supplemental Environmental Review Not Required.**Based on the West Ontario Commerce Center Specific Plan EIR, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:
- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or
- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
- SECTION 3. Housing Element Consistency. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

- <u>SECTION 5</u>. **Concluding Facts and Reasons.** Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on April 23, 2019, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:
- a. The Amendment applies to approximately 2.43 acres of land generally located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 9 (Multi-Family Attached) land use designation of the Parkside Specific Plan; and
- b. The properties to the north, south, and west, are developed with agriculture and diary uses and presently vacant. The property to the east is currently development with the Cucamonga Creek Channel; and
- c. The Amendment releases approximately 2.43 of property from the Development Agreement and change to the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of the Eucalyptus Avenue right-of-way, and a remainder parcel to Ontario Land Ventures, LLC. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and
- d. This Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and
- e. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

<u>SECTION 6</u>. *Planning Commission Action*. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Third Amendment of the Development Agreement, File No. PDA05-002, to the City Council.

<u>SECTION 7</u>. *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.

<u>SECTION 8</u>. *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.

<u>SECTION 9</u>. *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

ATTEST:	Nancy DeDiemar Planning Commission Vice-Chairman
	Cathy Wahlstrom
	Planning Director
	Secretary of Planning Commission

Planning Commission Resolution File No. PDA05-002 April 23, 2019 Page 7 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019 by the following roll call vote, to wit: AYES: None NOES: None ABSENT: None ABSTAIN: None Gwen Berendsen Secretary Pro Tempore

Exhibit "A"

File No. PDA05-002

Third Amendment to the Development Agreement

By and Between the City of Ontario, a California municipal corporation,

and

SC Ontario Development Company, LLC, a Delaware limited liability company

(Document follows this page)

RECORD AT THE REQUEST OF AND WHEN RECORDED, PLEASE RETURN TO:

CITY OF ONTARIO 303 East "B" Street Ontario, California 91764 Attn: City Clerk

(Fee Exempt – Government Code 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

File No. PDA05-002

Third Amendment to the Development Agreement

By and Between

City of Ontario, a California municipal corporation,

and

SC Ontario Development Company, LLC a Delaware limited liability company

_____, **2019**

San Bernardino County, California

THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC FILE NO. PDA05-002

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT (the "Third Amendment") is entered into as of _______, 2019 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter "CITY") and SC ONTARIO DEVELOPMENT COMPANY, LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER entered into that certain (i) Development Agreement dated September 19, 2006, and recorded on November 14, 2006 in the Official Records of the County of San Bernardino as Document No. 2006-0774531 (the "Original Agreement"), as amended by (ii) that First Amendment to Development Agreement dated June 16, 2009, and recorded on September 14, 2009 as Document No. 2009-0403692 (the "First Amendment"), and (iii) that Second Amendment to Development Agreement dated April 4, 2017, and recorded on May 15, 2017 as Document No. 2017-0199310 (the "Second Amendment") all with respect to the real property described in Exhibit "A" to this Agreement.

A. The CITY and OWNER now intend to amend the Original Agreement, as amended by the First Amendment and by the Second Amendment (collectively the "**Agreement**"), as set forth herein.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

ARTICLE I DEFINITIONS

1.1. <u>Definitions</u>. Unless the context otherwise requires, all capitalized terms in this Third Amendment not expressly defined in this Third Amendment shall have the meaning given that term in the Agreement. All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Third Amendment, and the word "herein," "hereof," "hereunder" and other words of similar import refer to this Third Amendment as a whole and not to any particular Article, Section or subdivision hereof.

ARTICLE II AMENDMENTS

2.1. <u>Deletion of Property.</u> OWNER is conveying the fee interest in that certain 2.43 acre real property described in <u>Exhibit "A"</u> and shown on <u>Exhibit "B"</u> attached hereto (the "LLA 18-010 Property") by that certain Certificate Approving a Lot Line Adjustment 18-010 (the "LLA 18-010") between OWNER and adjacent land owner Ontario Land Ventures, LLC, a Delaware limited

liability company ("**OLV**"). Upon recordation of LLA 18-010 and conveyance of fee simple title to the LLA 18-010 Property by OWNER to OLV by recordation of a grant deed, the LLA 18-010 Parcel shall be deemed removed from the Property (as that term is defined in the Agreement) and shall cease to be subject to the terms of the Agreement.

ARTICLE III MISCELLANEOUS PROVISIONS

3.1 <u>Counterparts</u>. This Third Amendment may be executed in counterparts, each of which shall be deemed an original.

[Signature Page Follows]

SIGNATURE PAGE TO THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

CITY:	OWNERS:
CITY OF ONTARIO, a California municipal corporation	SC ONTARIO DEVELOPMENT COMPANY, LLC a Delaware limited liability company
By: Name: Scott Ochoa Title: City Manager	By: LEWIS MANAGEMENT CORP., a Delaware corporation – Its Sole Manager By: Name: Bryan T. Goodman Title: Authorized Agent
ATTEST:	
By: Name: Title: City Clerk	
APPROVED AS TO FORM:	
BEST, BEST & KRIEGER, LLP	
By: Name: Title: City Attorney	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)	
County of San Bernardino)	
_		
On, 2019 b Public, personally appeared	etore me,	who proved to me on the
basis of satisfactory evidence to be the	e person(s) whose na	ame(s) is/are subscribed to the within
instrument and acknowledged to me	e that he/she/they	executed the same in his/her/their
authorized capacity(ies), and that by hi the entity upon behalf of which the per-	· ·	,
the entity upon behall of which the per-	son(s) acteu, execute	ed the instrument.
I certify under PENALTY OF PERJURY	under the laws of the	e State of California that the foregoing
paragraph is true and correct.		
WITNESS my hand and official seal.		
Cianatura		
Signature		[SEAL]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)		
County of San Bernardino)		
On, 20	019 before me,	, a Nota	ary
hasis of satisfactory evidence to	he the nerson(s)	, who proved to me on t whose name(s) is/are subscribed to the with	ne nin
		she/they executed the same in his/her/th	
authorized capacity(ies), and that	t by his/her/their s	signature(s) on the instrument the person(s),	
the entity upon behalf of which th	e person(s) acted	d, executed the instrument.	
I certify under PENALTY OF PER	JURY under the I	laws of the State of California that the foregoi	ng
paragraph is true and correct.		•	
WITNESS my hand and official s	eal.		
,			
Signature			
		[SEAL]	

EXHIBIT "A" LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

EXHIBIT "A"

SHEET 1 OF 1

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02—139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89* 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

Last Update: 12/04/18
0:\3290\LLA\GRANT DEED\3290_DEED.dwg

PREPARED UNDER THE SUPERVISION OF:

DATE

<u>PREPARED BY:</u>

OThienes Engineering, Inc.

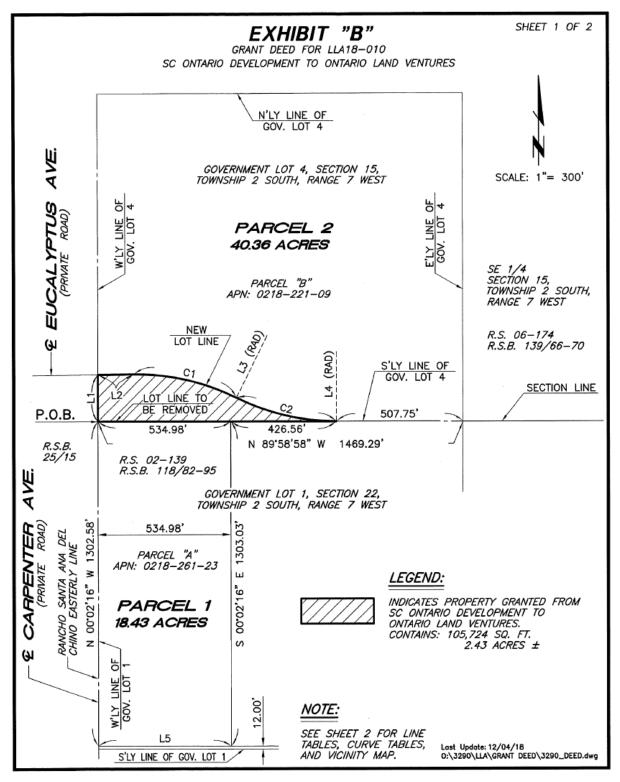
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FXX(714)521-4173

BRIAN L. THIENES P.L.S. NO. 5750 REG. EXP. DEC. 31, 2019 NO. 5750

NO. 5750

NO. 5750

EXHIBIT "B" DEPICTION OF LLA 18-010 PROPERTY





FILE NO.: PDA17-003

SUBJECT: A Development Agreement Amendment (First Amendment – File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, for the acquisition of approximately 2.43 acres of land and change the legal description for Tentative Parcel Map No. 19738 (File No. PMTT17-001) in conjunction with the lot line adjustment (File No. LLA18-010) for property located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within the Business Park (Planning Area 1) land use designation of the West Ontario Commerce Center Specific Plan (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09). **Submitted by Ontario Land Ventures, LLC. City Council action is required**.

PROPERTY OWNER: Ontario Land Ventures, LLC, a Delaware limited liability company

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement Amendment (First Amendment – File No. PDA17-003), between the City of Ontario and Ontario Land

Ventures, LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 119.31 acres of land located north of Eucalyptus Avenue, south of Ontario Ranch Road, east of Carpenter Avenue, and west of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use zoning designations of the West Ontario Commerce Center Specific Plan, and is depicted in Figure 1: Project Location. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses.

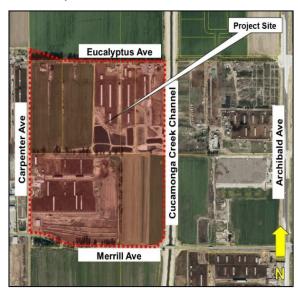


Figure 1: Project Location

PROJECT ANALYSIS:

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	Cally
Submittal Date:	March 13, 20 √ 9

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	04/23/2019		Recommend
CC	06/04/2019		Final

File No.: PDA17-003

April 23, 2019

[1] <u>Background</u> — On July 3, 2018, the City Council approved the West Ontario Commerce Center Specific Plan, File No. PSP16-002 ("Specific Plan") and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 119.31 acres of land, which includes the potential development of 2,905,510 square feet of industrial development and 55,505 square foot of business park development.

Subsequently, on September 4, 2018, the City Council approved a Development Agreement, File No. PDA17-003 ("Original Agreement") for Tentative Parcel Map No. 19738 (File No. PMTT17-011) to subdivide the 119.31 acre site into 9 parcels for Planning Areas 1 and 2 of the Specific Plan and a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet within Planning 2 of the Specific Plan.

The main points of the Original Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect. State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the Original Agreement.

[2] <u>Staff Analysis</u> — The Ontario Plan designates Eucalyptus Avenue as a four-lane collector street running the length of the City and eventually connecting to Hamner Avenue to the east. The portion of Eucalyptus Avenue bordering the north portion of the Specific Plan area (Planning Area 1) is currently an unpaved road.

Pursuant to the Specific Plan, Eucalyptus Avenue is intended to be ultimately developed as an 84-foot wide street within a 108-foot right-of-way, including a striped median. The alignment for Eucalyptus Avenue will curve to the north, cross Carpenter Avenue and connect with the existing street west of the Specific Plan area.

The Applicant is required to design, construct, and complete the ultimate alignment of Eucalyptus Avenue in conjunction with their Development Plan (PDEV17-057) As a result, SC Ontario Development Company, LLC (adjacent property owner to the north), has sold the Eucalyptus Avenue right-of-way to the Applicant. The purchase of the Eucalyptus Avenue right-of-way (approximately 2.43 acres) from SC Ontario Development Company, LLC, requires an amendment to the Original Agreement ("First Amendment") to update the legal description for of property for inclusion in the Original Agreement.

It is important to note that the Applicant has received approval from the City for a lot line adjustment (File No. LLA18-010) which, upon recordation, shall be deemed added to the

File No.: PDA17-003

April 23, 2019

property owned by the Applicant and will be subject to the terms and conditions of the Original Agreement.

Staff finds that the First Amendment is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the First Amendment to the Development Agreement. If the Planning Commission finds the First Amendment acceptable, a recommendation of approval to the City Council would be appropriate.

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
- 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] Governance.

Decision Making:

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

[3] Policy Plan (General Plan)

Land Use Element:

- ➤ <u>LU1-1 Strategic Growth</u>. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
- ➤ <u>LU1-6 Complete Community</u>: 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

File No.: PDA17-003

April 23, 2019

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

Community Economics Element:

- ➤ <u>CE2-2 Development Review</u>. 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.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
- ➤ <u>CE2-5 Private Maintenance</u>. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Community Design Element:

- ➤ <u>CD1-2 Growth Areas</u>. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
- ➤ <u>CD2-13 Entitlement Process</u>. 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.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- ➤ <u>CD5-2 Maintenance of Infrastructure</u>. We require the continual maintenance of infrastructure.

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

File No.: PDA17-003

April 23, 2019

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with West Ontario Commerce Center Specific Plan (File No. PSP16-002), for which an EIR (SCH#2017041074), was adopted by the City Council on July 2, 2018. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

File No.: PDA17-003

April 23, 2019

EXHIBIT "A" LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

EXHIBIT "A"

SHEET 1 OF 1

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02-139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89° 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

Last Update: 12/04/18
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PREPARED UNDER THE SUPERVISION OF:

PREPARED BY:

OThienes Engineering, Inc.

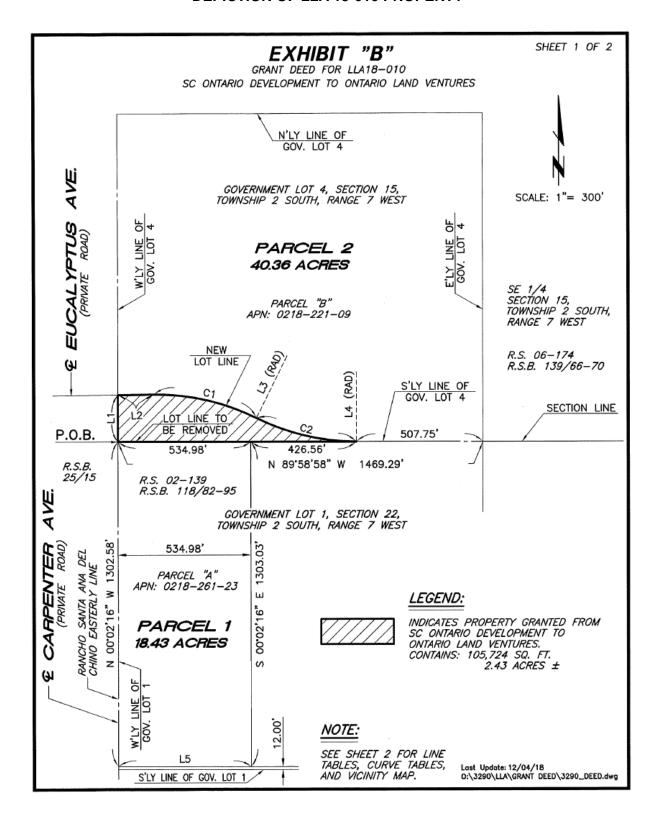
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

BRIAN L. THIENES DATE
P.L.S. NO. 5750
REG. EXP. DEC. 31, 2019



April 23, 2019

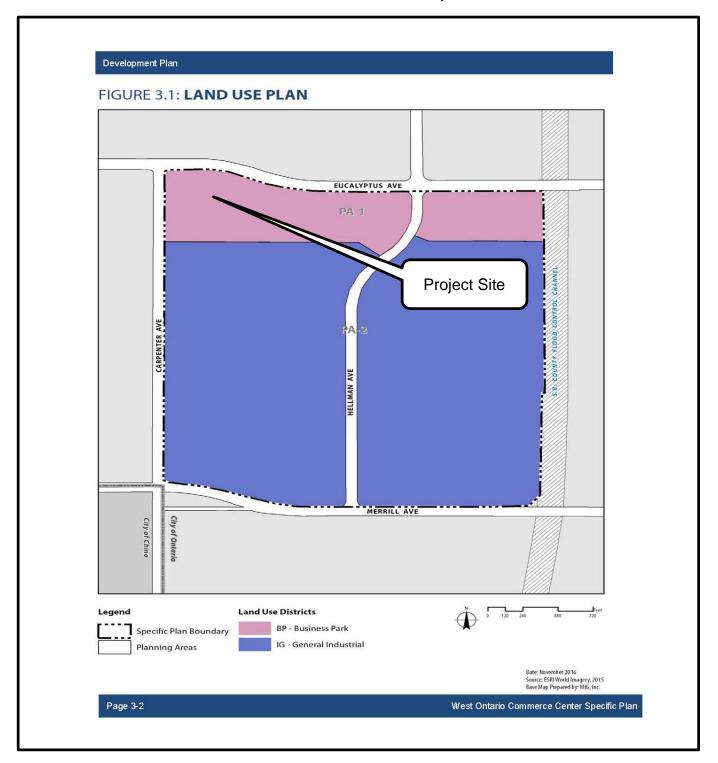
EXHIBIT "B" DEPICTION OF LLA 18-010 PROPERTY



File No.: PDA17-003

April 23, 2019

EXHIBIT "C"
West Ontario Commerce Center Specific Plan



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL THE APPROVE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (FILE NO. PDA17-003), BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES. LLC. FOR THE ACQUISITION OF APPROXIMATELY 2.43 ACRES OF PROPERTY AND CHANGE TO THE LEGAL DESCRIPTION FOR TENTATIVE PARCEL MAP NO. 19738 (FILE NO. PMTT17-001) IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN THE BUSINESS PARK (PLANNING AREA 1) LAND USE DESIGNATION OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09).

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

"The Legislature finds and declares that:

- (a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- (b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2 provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum

height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ..."

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 4, 2018, the City Council of the City of Ontario, adopted Ordinance No. 3115, approving a Development Agreement (File No. PDA 17-003), between Ontario Land Ventures, LLC and the City; and

WHEREAS, attached to this resolution, marked Exhibit "A" and incorporated herein by this reference, is the proposed First Amendment to the Development Agreement between Ontario Land Ventures, LLC and the City of Ontario, File No. PDA17-003. Hereinafter in this Resolution, the First Amendment to Development Agreement is referred to as the "Amendment"; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the environmental impacts of this project were reviewed with the West Ontario Commerce Center Specific Plan, File No. PSP16-002 (SCH#2017041074) certified by the City Council on July 3, 2018. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

<u>SECTION 1</u>. *Environmental Determination and Findings.* As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted West Ontario Commerce Center Specific Plan (SCH#2017041074) that was adopted by the City Council on July 3, 2018 and supporting documentation. Based upon the facts and information contained in

the addendum to the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) and supporting documentation, the Planning Commission finds as follows:

- (1) The environmental impacts of this project were previously reviewed in conjunction with the previously adopted West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and
- (2) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.
- (3) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.
- (4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and
- SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the West Ontario Commerce Center Specific Plan EIR, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:
- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- (3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:
- (a) The project will have one or more significant effects not discussed in the Certified EIR; or

- (b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or
- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

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

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

<u>SECTION 5</u>. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on April 23, 2019, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:

- a. The Amendment applies to approximately 2.43 acres of land generally located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within the Business Park (Planning Area 1) land use designation of the West Ontario Commerce Center Specific Plan; and
- b. The property is located south Eucalyptus Avenue, north of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use zoning designation of the West Ontario Commerce Center Specific Plan. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses; and
- c. The Amendment adds approximately 2.43 acres of property to the Development Agreement and changes the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and purchase of the Eucalyptus Avenue right-of-way, and a remainder parcel from SC Ontario Development Company, LLC. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and
- d. This Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and
- e. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.
- <u>SECTION 6</u>. *Planning Commission Action.* Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, the Planning Commission hereby RECOMMENDS APPROVAL of the First Amendment of the Development Agreement, File No. PDA05-002, to the City Council.
- <u>SECTION 7</u>. *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

Planning Commission Resolution File No. PDA17-003 April 23, 2019 Page 6

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

<u>SECTION 8</u>. *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.

distribution these records is the Oity Sient of	tile only of officiallo.
SECTION 9. Certification to Adoption adoption of the Resolution.	n. The Secretary shall certify to the
·	anning Commission of the City of Ontario
shall certify as to the adoption of this Resolution	on.
passed and adopted by the Planning Commiss	esolution was duly and regularly introduced, sion of the City of Ontario at a regular meeting d the foregoing is a full, true and correct copy d or repealed.
	Nancy DeDiemar
	Planning Commission Vice-Chairman
ATTEST:	
	Cathy Wahlstrom
	Planning Director

Secretary of Planning Commission

Planning Commission Resolution File No. PDA17-003 April 23, 2019 Page 7 STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO) CITY OF ONTARIO I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2019 by the following roll call vote, to wit: AYES: None NOES: None ABSENT: None ABSTAIN: None Gwen Berendsen

Secretary Pro Tempore

Planning Commission Resolution File No. PDA17-003 April 23, 2019 Page 8

Exhibit "A"

File No. PDA17-003

First Amendment to the Development Agreement

By and Between the City of Ontario, a California municipal corporation,

and

Ontario Land Ventures, LLC, a Delaware limited liability company

(Document follows this page)

RECORD AT THE REQUEST OF AND WHEN RECORDED, PLEASE RETURN TO:

CITY OF ONTARIO 303 East "B" Street Ontario, California 91764 Attn: City Clerk

(Fee Exempt – Government Code 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

File No. PDA17-003

First Amendment to the Development Agreement

By and Between

The City of Ontario, a California municipal corporation

and

Ontario Land Ventures, LLC a Delaware limited liability company

_____, 2019

San Bernardino County, California

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC FILE NO. PDA17-003

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. PDA17-003 (the "First Amendment") is entered into as of _______, 2019 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter "CITY") and ONTARIO LAND VENTURES, LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER entered into that certain Development Agreement dated September 4, 2018, and recorded on December 18, 2018 in the Official Records of the County of San Bernardino as Document No. 2018-0466825 (the "**Original Agreement**"), and with respect to the real property described in Exhibit "A" to this Agreement.

A. The CITY and OWNER now intend to amend the Original Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

ARTICLE I DEFINITIONS

1.1. <u>Definitions</u>. Unless the context otherwise requires, all capitalized terms in this First Amendment not expressly defined in this First Amendment shall have the meaning given that term in the Agreement. All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this First Amendment, and the word "herein," "hereof," "hereunder" and other words of similar import refer to this First Amendment as a whole and not to any particular Article, Section or subdivision hereof.

ARTICLE II AMENDMENTS

2.1. <u>Addition of Property.</u> OWNER is receiving the fee interest in that certain 2.43 acre real property described in <u>Exhibit "1"</u> and shown on <u>Exhibit "2"</u> attached hereto (the "LLA 18-010 Property") by that certain Certificate Approving a Lot Line Adjustment 18-010 (the "LLA 18-010") between OWNER and adjacent land owner SC Ontario Development Company, LLC, a Delaware limited liability company ("SC Ontario"). Upon recordation of LLA 18-010 and conveyance of fee simple title to the LLA 18-010 Property by SC Ontario to OWNER by recordation of a grant deed, the LLA 18-010 Parcel shall be deemed added to the Property (as that term is defined in the Agreement) and shall then be subject to the terms of the Agreement.

ARTICLE III MISCELLANEOUS PROVISIONS

3.1 <u>Counterparts</u>. This First Amendment may be executed in counterparts, each of which shall be deemed an original.

[Signature Page Follows]

SIGNATURE PAGE TO FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

CITY:	OWNER:
CITY OF ONTARIO, a California municipal corporation	ONTARIO LAND VENTURES, LLC a Delaware limited liability company
By: Name: Title: City Manager	By: Name: Carl W. Goltermann, Authorized Agent
ATTEST:	
By: Name: Title: City Clerk	
APPROVED AS TO FORM:	
BEST, BEST & KRIEGER, LLP	
By:	
Name:	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of San Bernardino)	
Public, personally appeared _ basis of satisfactory evidence instrument and acknowledge	to be the person(s) whose ed to me that he/she/they hat by his/her/their signature	, a Notary, a Notary, who proved to me on the name(s) is/are subscribed to the within y executed the same in his/her/theire(s) on the instrument the person(s), or the instrument.
I certify under PENALTY OF P paragraph is true and correct.	ERJURY under the laws of	the State of California that the foregoing
WITNESS my hand and officia	al seal.	
Signature		[SEAL]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of San Bernardino)		
Public, personally appeared _basis of satisfactory evidence instrument and acknowledge	to be the person(s) whose ed to me that he/she/they hat by his/her/their signatur	, a Non- manual proved to me or a name(s) is/are subscribed to the very executed the same in his/her. re(s) on the instrument the person(stated the instrument.	n the vithin /their
I certify under PENALTY OF P paragraph is true and correct.	ERJURY under the laws of	the State of California that the foreg	going
WITNESS my hand and officia	al seal.		
Signature		[SEAL]	

EXHIBIT "A" LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

EXHIBIT "A"

SHEET 1 OF 1

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

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THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89* 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

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SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

Last Update: 12/04/18
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PREPARED UNDER THE SUPERVISION OF:

DATE

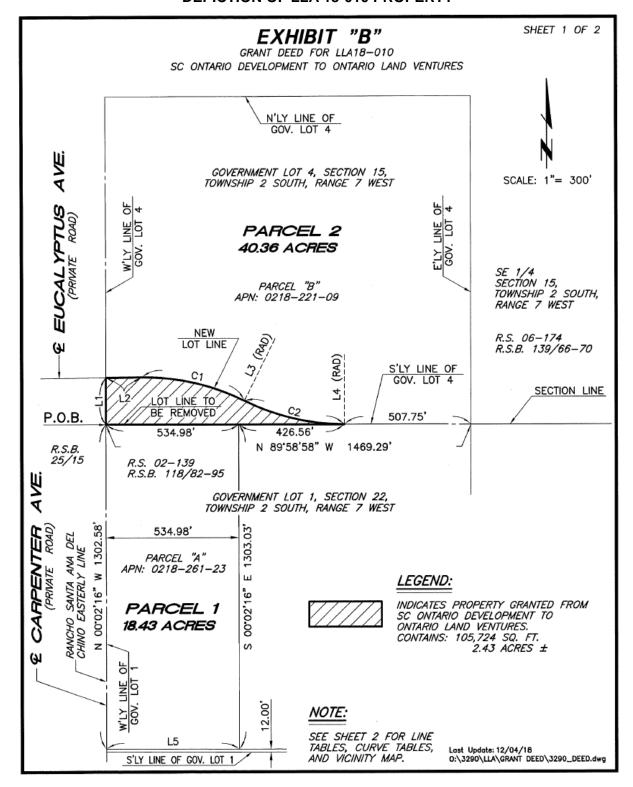
PREPARED BY:

OThienes Engineering, Inc.

CIVIL ENGINEERING * LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521–4811 FAX(714)521-4173

BRIAN L. THIENES P.L.S. NO. 5750 REG. EXP. DEC. 31, 2019

EXHIBIT "B" DEPICTION OF LLA 18-010 PROPERTY





FILE NO.: PDCA19-002

SUBJECT: A Development Code Amendment revising certain provisions of the City of Ontario Development Code, including:

- The addition of provisions to Section 4.03.015 (Administrative Use Permits) establishing reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines;
- Revisions to Table 5.02-1 (Land Use Matrix) to allow certain uses in the MU-1 (Downtown Mixed Use) zoning district, which are less than 10,000 square feet in area, as an administratively permitted land use, including: alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room;
- Revisions to Table 5.02-1 (Land Use Matrix) to add alcoholic beverage manufacturing facilities regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
- The addition of Section 5.03.023 (Alcoholic Beverage Manufacturing) setting forth land use standards for the establishment of alcoholic beverage manufacturing facilities; and
- Revisions to Section 5.03.025 (Alcoholic Beverage Sales), amending certain provisions pertaining to on-sale and off-sale alcoholic beverage sales, and "public convenience or necessity" determination criteria.

City Initiated. City Council action is required.

RECOMMENDED ACTION: That the Planning Commission consider and approve File No. PDCA19-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The proposed Development Code Amendment is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential,

Case Planner:	Charles Mercier
Planning Director Approval:	Coagh
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
PC	4/23/2019		Recommend
CC – 1 st reading	6/4/2019		Introduction
CC – 2 nd reading	6/21/2019		Final

File No.: PDCA19-002

April 23, 2019

commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the California Department of Finance, the City of Ontario's 2018 estimated population is 177,589 persons and it is ranked the 26th largest city in the State in terms of population.

PROJECT ANALYSIS:

- [1] <u>Background</u> The proposed Development Code Amendment is one of several changes that staff will be bringing forward to the Planning Commission and City Council for consideration, which are intended to spur growth and vitality in the MU-1 (Downtown Mixed Use) zoning district. The changes proposed by this Amendment will revise certain provisions of the Development Code to:
 - Expand on current provisions contained in Section 4.03.015 (Administrative Use Permits), to include reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines;
 - Expand Table 5.02-1 (Land Use Matrix) as it applies to alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room, and allowing these uses as an administratively permitted land use, provided they are less than 10,000 square feet in gross floor area
 - Expand Table 5.02-1 (Land Use Matrix) to allow alcoholic beverage manufacturing facilities, regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
 - Add Section 5.03.023 to establish land use standards for alcoholic beverage manufacturing facilities; and
 - Amend Section 5.03.025, clarifying existing land use standards for on-sale and off-sale alcoholic beverage sales, and expand existing "public convenience or necessity" determination criteria.
- [2] Amendments to Section 4.03.015 (Administrative Use Permits) The Development Code Amendment will revise Section 4.03.015, establishing a process for the issuance of administrative fines, to be issued by the Police Chief or Community Improvement Director (or their designees), which could be served on the owner of a business or land use for which an Administrative Use Permit has been granted, which is operated in violation of any federal, State or City statute, ordinance, law, or regulation, and violations of any conditions of approval imposed on the Administrative Use Permit.

An administrative fine of up to \$500 may be issued. Each violation of the Development Code or Municipal Code would be a separate violation, and each day a violation occurs would be a separate violation. The administrative fine provisions also include a procedure for the appeal of fines, which would be heard by the Zoning Administrator, with no further administrative right of appeal.

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Like the proposed administrative fine provisions, the proposed Amendment grants Administrative Use Permit suspension and revocation authority to the Police Chief or Community Improvement Director (or their designees), which must be based on one or more of the following specific causes of action:

- The Administrative Use Permit approval was obtained by fraud;
- The Administrative Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;
- The Administrative Use Permit granted is being or has been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or
- The Administrative Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, welfare, or constitutes a nuisance.

The issuance of an Administrative Use Permit suspension or revocation may be appealed to the Zoning Administrator, with no further administrative right of appeal. Refer to Exhibit A (Development Code Section 4.03.015 (Administrative Use Permits) Amended), attached, for a full copy of the Development Code Section 4.03.015 (Administrative Use Permits) text, including all proposed additions shown in yellow highlighted text.

[3] Amendments to Table 5.02-1 (Land Use Matrix) — The purpose of the Land Use Matrix is to establish allowed land uses within each zoning district of the City. As shown in Exhibit B (Development Code Table 5.02-1 (Land Use Matrix) Amended), the Development Code Amendment would revise the Land Use Matrix, expanding on the currently specified "Beverage Manufacturing"; "Live Entertainment"; and "Drinking Places" land use categories. More specifically, the Amendment will separate out the "Alcoholic Beverage Manufacturing" land use category from the more general "Beverage Manufacturing" land use category. Additionally, the "Alcoholic Beverage Manufacturing" and "Live Entertainment" land use categories, will be split to address allowed facilities with a gross floor area (GFA) less than 10,000 square feet and those facilities with a GFA of 10,000 or more square feet.

Similar to the changes made to the "Beverage Manufacturing" land use category, the Amendment will divide the current "Drinking Places" land use category into "Alcoholic Beverage Sales for On-Premises Consumption as an Incidental Activity or Use" and "Bars, Cocktail Lounges, Nightclubs and Taverns, and Other Similar Facilities" subcategories. Moreover, the "Alcoholic Beverage Sales for On-Premises Consumption as an Incidental Activity or Use" land use category will be further split to address facilities with a gross floor area (GFA) less than 10,000 square feet and facilities with a GFA of 10,000 or more square feet.

The zoning districts in which the above-described land uses would be allowed is substantially unchanged, except that for the following land uses within the MU-1 zoning

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district, which have a GFA of less than 10,000 square feet, Administrative Use Permit approval would be required (Conditional Use Permit approval is currently required):

- Alcoholic Beverage Manufacturing;
- Live Entertainment; and
- Alcoholic Beverage Sales for On-Premises Consumption as an Incidental land use

Each above-listed use would be allowed as an administratively permitted use only if it is established in conjunction with a bona fide restaurant or alcoholic beverage manufacturer's tasting room.

It is staff's belief that with the previously described additions to Development Code Section 4.03.015, including stipulations for administrative fines, and suspensions and revocations of Administrative Use Permits, sufficient safeguards would be in place to regulate the proposed administratively permitted uses should problems occur, while at the same time allowing for application processing within a much shorter timeframe (60 days maximum) than achieved for land uses requiring Conditional Use Permit approval (typically 120 or more days).

[4] Addition of Section 5.03.023 (Alcoholic Beverage Manufacturing) — The Development Code Amendment will add Section 5.03.023, establishing land use standards for the establishment and operation of alcoholic beverage manufacturing uses and activities. The Alcoholic Beverage Manufacturing land use standards are generally described below. A full copy of the Development Code Section 5.03.023 is included with this report as Exhibit C (Development Code Section 5.03.023 (Alcoholic Beverage Manufacturing) Added).

- [a] Within the MU-1 (Historic Downtown Mixed Use) zoning district:
- Land use approval is subject to the approval of an Administrative Use Permit;
- The gross floor area of the facility cannot exceed 10,000 square feet;
- The Alcoholic Beverage Manufacturer must sell alcoholic beverages to consumers for consumption on the premises within either a tasting room or a bona fide restaurant located on the licensed premises or contiguous to the licensed premises;
- No video, electronic or other amusement devices/games are be permitted onsite:
- Outdoor storage is prohibited; and
- Prior building permit issuance for the installation of manufacturing equipment, if deemed necessary by Ontario Municipal Utilities Company General Manager, a sewer study must be prepared, which identifies appropriate measures to mitigate any sewer deficiencies. The Alcoholic Beverage Manufacturer is responsible for compliance with all mitigation measures recommended by the sewer study.

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[b] Within the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts, the establishment of a tasting room with an Alcoholic Beverage Manufacturer would require Conditional Use Permit approval.

- [c] A tasting room cannot exceed 1,000 square feet in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 square feet may be permitted by Conditional Use Permit approval. Furthermore, additional outdoor patio areas are permitted, provided they do not exceed 1,000 square feet in total area.
- [d] A grain silo can be located outside of a building occupied by an Alcoholic Beverage Manufacturer, provided it is not located in any required parking space, driveway or drive aisle, or does not interfere with the pedestrian path of travel.
- [e] A security plan is required to be submitted to the Police Department for review and approval, prior to building permit issuance. The plan is intended to deter unlawful conduct of employees and patrons, promote the safe and orderly assembly and movement of persons and their vehicles, and prevent the disturbance of the surrounding neighborhood.
- [f] Requiring the payment of an admission fee or cover charge, or requiring a minimum purchase is prohibited.
- [g] No live entertainment or dancing is permitted without first obtaining City approval.
- [h] Alcoholic beverages cannot be located outside of a building or within 5 feet of any public entrance to the building.
- [i] The alcoholic beverage manufacturer cannot serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer.
- [5] Amendments to Section 5.03.025 (Alcoholic Beverage Sales) Changes to Subsections D through F of Development Code Section 5.03.025 are proposed, which are intended to clarify existing land use standards for on-sale and off-sale alcoholic beverage sales, and expand upon the existing "public convenience or necessity" determination criteria. The proposed changes are generally described below. Refer to Exhibit D (Development Code Section 5.03.025 (Alcoholic Beverage Sales) Amended), attached, for a full copy of the Development Code Section 5.03.025, including all proposed additions shown in yellow highlighted text and proposed deletions shown in red strikethrough text.
- [a] Clarifies that the term "on-sale alcoholic beverage sales" means alcoholic beverage sales for consumption on the licensed premises.

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[b] Clarifies that the term "off-sale alcoholic beverage sales" means alcoholic beverage sales for consumption off the licensed premises.

- [c] Establishes the circumstances under which public convenience or necessity for on-sale alcoholic beverage sales activities may be determined. The alcoholic beverage license issuance is required to be in conjunction with a bona fide restaurant or, for non-restaurant uses (such as nightclubs, bars, etc.), the Approving Authority would determine public convenience or necessity on a case-by-case basis.
- [d] Establishes that the Approving Authority is responsible for determining public convenience or necessity for off-sale alcoholic beverage sales licenses.
- [e] Establishes criteria for determining public convenience or necessity for an offsale alcoholic beverage sales license requested in conjunction with an Alcoholic Beverage Manufacturer, including:
 - The alcoholic beverage manufacturing use is not located within a high crime area:
 - The retail alcohol license is not located within close proximity (600 feet) of an existing or proposed residential or sensitive land use;
 - The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and
 - The building or property where the proposed business is located has no outstanding building or health code violations, is not an active Neighborhood Preservation (code enforcement) Department case, and complies with applicable Development Code regulations.

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

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[2] Governance.

Decision Making:

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

[3] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
- ➤ <u>LU1-1 Strategic Growth</u>. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
- ➤ <u>LU1-2 Sustainable Community Strategy</u>. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.
 - Goal LU2: Compatibility between a wide range of uses.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- ➤ <u>CE1-5 Business Attraction</u>. We proactively attract new and expanding businesses to Ontario in order to increase the City's share of growing sectors of the regional and global economy.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
- ➤ <u>CE2-4 Protection of Investment</u>. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

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

Community Design Element:

- <u>Goal CD1</u>: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- ➤ <u>CD1-1 City Identity</u>. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
- ➤ <u>CD1-2 Growth Areas</u>. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- ➤ <u>CD3-4 Ground Floor Usage of Commercial Buildings</u>. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.
- <u>Goal CD5</u>: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- ➤ <u>CD5-1 Maintenance of Buildings and Property</u>. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project may affect the use of property that is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that

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the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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EXHIBIT A—Development Code Section 4.03.015 (Administrative Use Permits) Amended

Development Code Section 4.03.015 (Administrative Use Permits) will be amended, adding Subsections F through I as shown below. Text proposed to be added is shown in yellow highlight.

4.03.015: Administrative Use Permits

- **A. Purpose.** The purpose of this Section is to establish a procedure by which Administrative Use Permits may be issued by the City, while at the same time:
- 1. Eliminating any possibility for the exercise of unfettered discretion during the application review process through the establishment of reasonable and uniform regulations that will reduce possible adverse effects that uses subject to this Section may have upon the residents of the City; and
- **2.** Establishing a process whereby the unique operating characteristics of the uses subject to this Section may be properly conditioned through an individual review, in order to ensure compatibility with surrounding uses of property, and preserve the integrity of the residential, commercial, mixed-use, and industrial areas of the City.

B. Applicability.

- **1.** Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Administrative Use Permit application, and to impose reasonable conditions upon the approval of the application.
- **2.** Administrative Use Permit approval shall be required for those land uses so identified in Table 5.02-1 (Land Use Matrix) of this Development Code, excepting the following temporary and interim land uses:
- **a.** <u>Car Washes</u>. Car washes conducted by a qualifying sponsoring organization on nonresidential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax-exempt organizations in compliance with Federal Internal Revenue Code Section 501(c). Exempt temporary car washes shall be limited to one event per month at each location the activity is conducted, and shall be limited to a maximum of 2 days duration.
- **b.** <u>Emergency Public Health and Safety Activities and Facilities.</u> Temporary activities and facilities associated with emergency public health and safety needs of the City, State, and federal governments.

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c. <u>Film/Video Making</u>. Temporary filming, photography, and videography, and production activities associated with a Film Permit issued by the City.

C. Application Filing and Processing. An Administrative Use Permit application shall be filed, processed and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Decision.

- 1. An Administrative Use Permit shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented with any supplemental information or written report, and testimony provided during any hearing (if required), only after considering and clearly establishing that the use for which an Administrative Use Permit is requested complies with all applicable Development Code provisions specific to the requested use.
- 2. An Administrative Use Permit shall be issued if the Approving Authority determines that the proposed use complies with all applicable Development Code provisions,
- **3.** An Administrative Use Permit shall be denied if the proposed use does not comply with one or more Development Code provisions.

E. Conditions of Approval.

- 1. In approving an Administrative Use Permit, the Approving Authority may impose certain safeguards and standards to ensure that the purposes of this Development Code are maintained; ensure that the permit will not endanger the public health, safety or general welfare; ensure that the permit will not result in any significant environmental impacts; ensure that the permit will be in harmony with the area in which it is located; and ensure that the permit will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).
- 2. The standards and requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.
- **3.** A copy of the approved Administrative Use Permit shall be maintained on site for the duration of the use, activity or facility authorized, and shall be made available for inspection upon demand by a City representative.
- F. Unlawful Business Practices May Be Enjoined; All Remedies Are Cumulative. Any business activity requiring Administrative Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, and which is operated, conducted, or maintained contrary to the provisions of this Development Code, shall

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constitute an unlawful business practice pursuant to Business & Professions Code Section 17200 et seq., and the City may file a complaint with the District Attorney and request the District Attorney bring action seeking an injunction prohibiting the unlawful business practice or any other remedy available at law, including but not limited to fines, attorney's fees, and costs. All remedies provided for in this Section are cumulative.

G. Administrative Fines.

- 1. <u>Violations</u>. Upon a finding by the Police Chief or Community Improvement Director that a land use or business for which an Administrative Use Permit has been issued has violated any provision of this Development Code or of the City or Ontario Municipal Code, the Police Chief or Community Improvement Director may issue an administrative fine of up to \$500.
- 2. <u>Separate Violations</u>. Each violation of this Development Code or of the Ontario Municipal Code constitutes a separate violation. Each day a violation of this Development Code occurs also constitutes a separate violation.
- 3. Administrative Fine Procedures. A Notice of Administrative Fine shall be served by hand delivery or certified mail, and shall state the legal violation and all supporting facts. Furthermore, the Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.

4. Appeal of Administrative Fines.

- **a.** An appeal request shall be filed with the Planning Department on a City application form, within 10 days following the date appearing on the Notice of Administrative Fine. The appeal request shall include a statement identifying the pertinent facts disputing the violation.
- **b.** An appeal hearing shall be scheduled within 30 days following the Planning Department's receipt of the appeal request, unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.
- **c.** The appeal shall be heard by the Zoning Administrator. The decision of the Zoning Administrator shall be provided by certified mail. The decision constitutes a final administrative order, with no additional administrative right of appeal.

5. Failure to Pay Administrative Fines.

a. If an administrative fine is not paid within 30 days after the date appearing on the Notice of Administrative Fine or, if the Notice is appealed, within 30 days after the date of the Zoning Administrator's decision, whichever occurs later, the fine may be referred to a collection agency.

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b. Any outstanding fine must be paid prior to the issuance or renewal of any license or permit issued by the City.

H. Suspension and Revocation of Administrative Use Permits.

- 1. Reasons. The Police Chief and the Community Improvement Director each has authority to suspend or revoke an Administrative Use Permit, based on one or more of the following reasons:
 - a. The Administrative Use Permit approval was obtained by fraud.
- **b.** The Administrative Use Permit is being, or has recently been exercised contrary to the terms or conditions of the application approval.
- c. The Administrative Use Permit is being or has been exercised in violation of a federal, state, or City statute, ordinance, law, or regulation.
- **d.** The Administrative Use Permit was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or otherwise constitutes a nuisance.
- 2. <u>Suspension and Revocation Procedures</u>. A Notice of Suspension or Revocation shall be served on the owner of the property and upon any tenant or operator in possession of the property, if different from the owner, by hand delivery or certified mail, along with the legal violation and supporting facts. The Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.
- 3. <u>Time Period of Suspension of Permit</u>. When any of the conditions listed in H.1.a through d above exists, the Police Chief and the Community Improvement Director are each authorized to suspend an Administrative Use Permit for a period of no less than 5 days, and no more than 90 days, at their discretion.
- **4.** Effective Date of Suspension or Revocation. A Notice of Suspension or Revocation issued under Paragraph H.2 of this Section is effective 10 days following the date appearing on the Notice, in the absence of an appeal filed in accordance with Paragraph H.5 of this Section.
 - **5.** Appeal of Suspension or Revocation of Permit.
- **a.** The decision of the Police Chief or Community Improvement Director to suspend or revoke an Administrative Use Permit may be appealed by the permittee.

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b. The appeal request shall be filed with the Planning Department on a City application form, and shall include a statement identifying pertinent facts disputing the reasons stated in the Notice of Suspension or Revocation.

- c. An appeal request must be received by the Planning Department on or before the effective date of the suspension or revocation under Paragraph H.4 of this Section.
- **d.** The timely filing of an appeal request stays a suspension or revocation pending a decision on the appeal by the Zoning Administrator.
- **e.** An appeal hearing shall be scheduled within 30 days following the Planning Department's receipt of the appeal request, unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.
- **f.** Within 20 days following the appeal hearing, the Zoning Administrator shall issue a final administrative order to the appellant, by certified mail. There shall be no further administrative right of appeal.
- 6. Evidence. The following rules shall apply to any hearing required by this Section. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of discovery do not apply to proceedings governed by this Section. Unless otherwise specifically prohibited by law, the burden of proof is on the appellant in any hearing or other matter under this Section.
- 7. <u>Limitations on Application Refiling</u>. A holder of an Administrative Use Permit who has had the Permit revoked under this Section may not apply for the same or substantially similar Administrative Use Permit for 12 months after the date of the Final Administrative Order revoking the Permit.
- **Public Nuisance.** It shall be unlawful and a public nuisance for a land use or business activity for which an Administrative Use Permit has been issued to be operated, conducted, or maintained contrary to the provisions of this Development Code or of any condition of approval imposed on an Administrative Use Permit by the Approving Authority. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, or enjoinment of that land use or business activity in any manner provided by law.

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EXHIBIT B— Development Code Table 5.02-1 (Land Use Matrix) Amended

Certain portions of Development Code Table 5.02-1 (Land Use Matrix) will be amended as shown below. Text proposed to be added is shown in yellow highlight. Text proposed to be deleted is shown in red strikethrough.

ν Land Uses, Activities, and Facilities			ning i	esidential ing Districts		Co	mme	rcial	Zoni	ing D	istric	ts	Mixed Use Zoning Districts			In		rial Z stric	oning	,	Spe	cializ			nd O		y Zo	ning		
2012 NAICS Code	Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	SO	CN	20	CR	soo	70	но	MU-1	MU-2	MU-11	8P	Ы	11	JG	Ħ	AG	CIV	MHP		0S-C	OS-R	RC SI		Additional Regulations	
312	Beverage and Tobacco Product Manufacturing																													
312111 312112 312113	Beverage Manufacturing (including soft drink, bottled water and ice manufacturing; however, excludes alcoholic beverage manufacturing)		_				_											Р	Р	Р										
312120 312130 312140	Alcoholic Beverage Manufacturing (including breweries, wineries and distilleries, and related tasting rooms)																													
	● GFA less than 10,000 SF	-	=	-	-	-	<u></u>	-	_	=	-)	A*/C		<u></u>	<u></u>		P	P	P							=		See Section 5.03.023 (Alcoholic Beverage Manufacturing) In the MU-1 zoning district, alcoholic beverage	
	• GFA 10,000 or More SF		=		-	-	-	-	-	-	=	<u>-</u>	<u></u>	-	-	<u></u>		P	P	P		-		-		-	-		manufacturing is administratively permitted only in conjunction with a bona fide restaurant or alcoholic beverage manufacturer's tasting room	
713	Amusement, Gambling, and Recreation Industries																													
7139	Other Amusement and Recreation Industries																													
713990	Live Entertainment	-	-	-	-	-	C	c	C	U	-	-	C	C	C	C	-	-	-	-	-	C	-	4	-	-	-	-		
	GFA Less than 10,000 SF		-				C	C	C	C			A*/C	C	C	C						C		P					* In the MU-1 zoning district, live entertainment is administratively permitted only in conjunction	
	• GFA 10,000 or More SF	-	=	-	-	-	С	С	С	c		-	c	С	c	c					-	c	-	P		-	-		with a bona fide restaurant or alcoholic beverage manufacturer's tasting room	
722	Food Services and Drinking Places																													
7224	Drinking Places (Alcoholic Beverages)																													
722410	Alcoholic Beverage Sales for On-Premises Consumption as an Incidental Activity or Use (excludes bars, cocktail lounges, nightclubs and taverns, and other similar facilities)	_	_	_	-	G	¢	0	e	0	-	G	6	G	¢	G	e	_	-	-	_	c	_	P	_	e	_	-		
	• GFA less than 10,000 SF	-	=		-	c	C	c	С	C		c	A*/C	c	C	C	c	c	c	-		C		P		c	=		See Section 5.03.025 (Alcoholic Beverage Sales) In the MU-1 zoning district, alcoholic beverage sales is	
	• GFA 10,000 or More SF		=		=	c	C	c	c	C		c	c	C	C	C	c	C	c	<u></u>		c	<u></u>	P		c		=	administratively permitted only in conjunction with a bona fide restaurant or alcoholic beverage manufacturer's tasting room	
722410	Bars, Cocktail Lounges, Nightclubs and Taverns, and Other Similar Facilities				-	c	C	c	C	C		c	C	C	C	C	C	C	C			C		P		C				

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<u>EXHIBIT C— Development Code Section 5.03.023</u> (Alcoholic Beverage Manufacturing) Added

Development Code Section 5.03.023 (Alcoholic Beverage Manufacturing) will be added as shown below.

5.03.023: Alcoholic Beverage Manufacturing

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

- A. Alcoholic Beverage Manufacturing in the MU-1 (Historic Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within the MU-1 zoning district shall comply with the following:
- 1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code.
- **2.** The GFA of an alcoholic beverage manufacturing facility shall be less than 10,000 SF.
- **3.** An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.
- **4.** No video, electronic or other amusement devices or games shall be permitted.
- **5.** Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.
- B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Historic Downtown Mixed Use) Zoning District. Prior to the issuance of a building permit for the installation of alcoholic beverage manufacturing equipment in the MU-1 zoning district, if deemed necessary by Ontario Municipal Utilities Company (OMUC) General Manager, a sewer study, including an identification of appropriate measures to mitigate sewer deficiencies, shall be prepared as follows:
- 1. The sewer study shall be prepared by a registered professional civil engineer in the State of California, and submitted for consideration and approval by OMUC. The alcoholic beverage manufacturer shall be responsible for the implementation

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of all mitigation measures recommended in the sewer study, including the construction of new sewer facilities.

- **2.** Prior to and as a condition of the operation of an alcoholic beverage manufacturing use, the alcoholic beverage manufacturer shall implement all mitigation measures recommended by the sewer study to the satisfaction of the Ontario Municipal Utilities Company General Manager and the City Engineer.
- C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts. Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.
- **D.** Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit. A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.
- **E.** Use of Grain Silos. A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:
- **1.** The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.
- **2.** One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.
- F. Outdoor Utility Equipment Shall Be Completely Screened. Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.
- **G. Property Shall Be Permanently Maintained.** The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.

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- H. Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened. Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.
- I. Security Plan Required. A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.
- J. On-Site Lighting Required to Provide a Safe and Secure Environment. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.
- K. Admission Fee, Cover Charge, and Minimum Purchase Requirements. It shall be unlawful to require the payment of an admission fee or cover charge, or require a minimum purchase.
- L. Alcoholic Beverage Signs Required. Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGE ALLOWED BEYOND THIS POINT."
- M. Maximum Occupancy Load Shall Not Be Exceeded. The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.
- N. No Live Entertainment or Dancing Permitted without First Obtaining Conditional Use Permit Approval. There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining approval for the activities pursuant to the requirements of this Development Code.
- **O. Display of Alcoholic Beverages.** The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.

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P. Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served. An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

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EXHIBIT D— Development Code Section 5.03.025 (Alcoholic Beverage Sales) Amended

Development Code Section 5.03.025 (Alcoholic Beverage Sales) will be amended, revising Subsections D through F as shown below. Text proposed to be added is shown in yellow highlight. Text proposed to be deleted is shown in red strikethrough.

D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales). On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

- 1. Conditional Use Permit approval shall be required for the sale of an on-sale alcoholic beverage sales activity for consumption on the premises where the alcoholic beverage is sold, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.
- 2. Any business engaged in on-sale alcoholic beverage sales the retail sale or on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed, wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, tasting of alcoholic beverages for consumption on the premises shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a minimum 5-FT high wall, fence or other solid barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.
- E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales). Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

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Establishments engaged in off-sale alcoholic beverage sales for consumption off the premises shall comply with the following:

- 1. Conditional Use Permit approval shall be required for the retail sales of any off-sale alcoholic beverage sales, for consumption off the premises where alcoholic beverage is sold.
- **2.** Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:
- **a.** No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.
- **b.** No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
- **c.** No sale of alcoholic beverages shall be made from a drive-up window.
 - **d.** No display or sale of beer or wine shall be made from an ice tub.
- **e.** No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
- **f.** Employees on duty between the hours of 10:00PM and 2:00AM, who sell alcoholic beverages, shall be at least 21 years of age.
 - **3.** The on-premises consumption of an alcoholic beverage shall be prohibited.
- **F.** Public Convenience or Necessity Determination. BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an "undue concentration" (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.
- 1. <u>Purpose</u>. The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.
- **2.** <u>Applicability</u>. In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of

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this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

- 3. <u>Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses</u>. Within a census tract having an undue concentration of onsale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:
- a. Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant. The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases.
- **b.** All Other On-Sale Alcoholic Beverage Licenses. For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.
- 4. <u>Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses</u>. Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations of public convenience or necessity:
- **a.** The proposed retail alcohol license is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;
- **b.** The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

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- **c.** The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;
- **d.** If the business for which wherein the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;
- **e.** No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;
- **f.** At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and
- **g.** The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.
- 5. <u>Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses.</u>
 Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:
- a. The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;
- b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

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c. The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

d. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-002, A DEVELOPMENT CODE AMENDMENDMENT: [1] REVISING SECTION 4.03.015 (ADMINISTRATIVE USE PERMITS) TO ESTABLISH REASONS AND PROCEDURES FOR THE SUSPENSION AND REVOCATION OF ADMINISTRATIVE USE PERMITS AND THE ISSUANCE ADMINISTRATIVE FINES; [2] REVISING TABLE 5.02-1 (LAND USE MATRIX) TO ALLOW CERTAIN USES IN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, WHICH ARE LESS THAN 10,000 SQUARE FEET IN AREA, AS AN ADMINISTRATIVELY PERMITTED LAND USE, INCLUDING: ALCOHOLIC BEVERAGE MANUFACTURING FACILITIES: LIVE ENTERTAINMENT IN CONJUNCTION WITH A BONA FIDE RESTAURANT OR ALCOHOLIC BEVERAGE MANUFACTURING FACILITY TASTING ROOM; AND ALCOHOLIC BEVERAGE SALES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A BONA FIDE ALCOHOLIC BEVERAGE RESTAURANT OR MANUFACTURING FACILITY TASTING ROOM; [3] REVISING TABLE 5.02-1 (LAND USE MATRIX), ADDING ALCOHOLIC BEVERAGE MANUFACTURING FACILITIES REGARDLESS OF SIZE, AS A PERMITTED LAND USE IN THE IL (LIGHT INDUSTRIAL), IG (GENERAL INDUSTRIAL) AND IH (HEAVY INDUSTRIAL) ZONING DISTRICTS; [4] ADDING SECTION 5.03.023 (ALCOHOLIC BEVERAGE MANUFACTURING), ESTABLISHING LAND USE STANDARDS FOR ALCOHOLIC BEVERAGE MANUFACTURING FACILITIES: AND [5] REVISING PROVISIONS OF SECTION 5.03.025 (ALCOHOLIC BEVERAGE SALES) PERTAINING TO ON-SALE AND OFF-SALE ALCOHOLIC BEVERAGE "PUBLIC CONVENIENCE AND OR **NECESSITY**" DETERMINATION CRITERIA: AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA19-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code Amendment is the first of several proposed changes to the Development Code that are intended to spur interest and growth in the MU-1 (Downtown Mixed Use) zoning district; and

WHEREAS, the changes proposed by this Development Code Amendment will revise certain provisions to:

- Expand on current provisions contained in Section 4.03.015 (Administrative Use Permits), to include reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines:
- Expand Table 5.02-1 (Land Use Matrix) as it applies to alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room, and allowing these uses as an administratively permitted land use, provided they are less than 10,000 square feet in gross floor area;
- Expand Table 5.02-1 (Land Use Matrix) to allow alcoholic beverage manufacturing facilities, regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
- Add Section 5.03.023 to establish land use standards for alcoholic beverage manufacturing facilities; and
- Amend Section 5.03.025, clarifying existing land use standards for on-sale and offsale alcoholic beverage sales, and expand existing "public convenience or necessity" determination criteria.

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

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

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

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>: *Environmental Determination and Findings.* As the recommending authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

- (1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- (2) The Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- (3) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands

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

<u>SECTION 3</u>: **Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 and 2, above, the Planning Commission hereby concludes as follows:

- (1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.
- (2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

<u>SECTION 4</u>: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Development Code Amendment.

<u>SECTION 5</u>: *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.

<u>SECTION 6</u>: *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.

<u>SECTION 7</u>: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nancy DeDiemar Planning Commission Vice-Chairman

ATTEST:

Cathy Wahlstrom
Planning Director and
Secretary to the Planning Commission

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STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) CITY OF ONTARIO)	
I, Gwen Berendsen, Secretary Pro Te City of Ontario, DO HEREBY CERTIFY that passed and adopted by the Planning Comm meeting held on April 23, 2019, by the following	ission of the City of Ontario at their regular
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen Secretary Pro Tempore



CITY OF ONTARIO MEMORANDUM

TO:

Chairman and Members of the Planning Commission

FROM:

Cathy Wahlstrom, Planning Director (

DATE:

April 23, 2019

SUBJECT:

MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH

OF MARCH 2019

Attached, you will find the Planning Department Monthly Activity Report for the month of March 2019. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions. and actions taken on applications may be viewed at http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions.

DEVELOPMENT ADVISORY BOARD MEETING

March 4, 2019

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-033:

A Development Plan to construct an approximate 72,433-square foot automobile dealership (Porsche) on 3 acres of land located on the south side of Inland Empire Boulevard, 367 feet east of QVC Way, within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Meredith International Centre Specific Plan Amendment (File No. PSPA14-003), for which an Environmental Impact Report (SCH No. 2014051020) was certified by the City Council on April 7, 2015. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-321-73) submitted by Whitfield Associates, Inc.

<u>Action</u>: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

March 4, 2019

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-042: A Conditional Use Permit (PCUP18-042) to establish interim supportive agricultural services of a nursery facility (Sierra Vista), mulching and grinding facility, farm and ancillary composting facility (Huerta) on an 8.437-acre parcel of land, located at 13545 Walker Avenue, within the SP/AG (Agricultural) Overlay Zoning District. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, State Clearinghouse No. 2008101140, certified by the City Council on January 27, 2010, in conjunction with File No. PGP06-001. This project introduces no new significant environmental impacts. The project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0216-213-04) submitted by Sierra Vista Nursery & Huerta Del Valle.

Action: Continued to the 3/18/2019 Zoning Administrator meeting.

CITY COUNCIL/HOUSING AUTHORITY MEETING

March 5, 2019

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-002: A Development Agreement between the City of Ontario and Colony Commerce

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Ontario East LP, a Delaware Limited Partnership, to establish the terms and conditions for the development of a Tentative Parcel Map No. 19904 (File No. PMTT18-006), for property located along the southwest corner of Merrill Avenue and Archibald Avenue within the Business Park (Planning Area 1) and Industrial (Planning Area 2) land use designations of the Colony Commerce Center East Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Colony Commerce Center East Specific Plan (File No. PSP16-003) Environmental Impact Report (SCH# 2017031048) certified by City Council on May 1, 2018. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with both policies and criteria of the Ontario International Airport Land Use Compatibility Plans (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; (APNs: 0218-311-02, 0218-311-03, 0218-311-08, 0218-311-10) submitted by Colony Commerce Ontario East LP, a Delaware Limited Partnership. The Planning Commission recommended approval of this item on January 22, 2019, with a vote of 6 to 0.

<u>Action</u>: The City Council approved and waive further reading of an ordinance approving a Development Agreement (File No. PDA18-002) between the City of Ontario and Colony Commerce Ontario East LP, to establish the terms and conditions for the development of Tentative Parcel Map 19904 (File No. PMTT18-006).

DEVELOPMENT ADVISORY BOARD MEETING

March 18, 2019

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-

<u>013</u>: A Tentative Tract Map (File No. PMTT17-013/TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 12 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan File (No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities. Planning Commission action is required.

4/4/2019 Page 2 of 9

Action: Continued to the 4/15/2019 Development Advisory Board meeting.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEWS FOR FILE NOS. PMTT17-014. PMTT17-015, AND PMTT17-016: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 2) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and 3) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 13 lettered lots for residential and private streets for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan File (No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) submitted by Richland Communities. Planning Commission action is required.

<u>Action</u>: Continued to the 4/15/2019 Development Advisory Board meeting.

ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP18-036 AND PDEV18-034: A Conditional Use Permit to establish a drive-thru retail use in conjunction with a Development Plan to construct a commercial drive-thru retail/restaurant building, totaling 7,354 square feet on 1.16 acres of land located at the northeast corner of Grove Avenue and Philadelphia Street, at 2195 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0113-641-15) submitted by Phelan Development Company. Planning Commission action is required.

<u>Action</u>: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045:

A modification to a previously approved Development Plan (File No. PDEV17-045), introducing two new single-story conventional floor plans, ranging in size from 1,445 square feet to 1,481 square feet for 34 lots within Tract 18400. The project consists of 40.20 acres of land located at

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the southeast corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was certified by the City Council on April 21, 2015. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) **submitted by KB Home.** Planning Commission action is required.

<u>Action</u>: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-012:

A Development Plan to construct a wireless telecommunications facility (T-Mobile) on an existing 139-foot tall SCE transmission tower on 12.3 acres of land generally located on the north side of Francis Avenue, approximately 1,000 feet of Milliken Avenue, within the SCE Easement land use designation of the Entratter Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-121-44) submitted by T-Mobile. Planning Commission action is required.

<u>Action</u>: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ZONING ADMINISTRATOR MEETING

March 18, 2019

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-042: A Conditional Use Permit (PCUP18-042) to establish interim supportive agricultural services of a nursery facility (Sierra Vista), mulching and grinding facility, farm and ancillary composting facility (Huerta) on an 8.437-acre parcel of land, located at 13545 Walker Avenue, within the SP/AG (Agricultural) Overlay Zoning District. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, State Clearinghouse No. 2008101140, certified by the City Council on January 27, 2010, in conjunction with File No. PGP06-001. This project introduces no new significant environmental impacts. The project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT

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Airport Land Use Compatibility Plan (ALUCP):(APN: 0216-213-04) **submitted by Sierra Vista Nursery & Huerta Del Valle.** This item was continued from the 3/4/19 Zoning Administrator Hearing.

Action: Continued to the 4/1/2019 Zoning Administrator meeting.

ENVIRONMENTAL ASSESSMENT AND Conditional Use Permit REVIEW FOR FILE NO. PCUP18-035: A modification request for a Conditional Use Permit (File No. PCUP01-035) to relocate an existing stand-alone wireless telecommunications facility to an existing SCE tower on 8.7 acres of land located at 3791 South Archibald Avenue, within the UC (Utilities Corridor) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 218-771-63) submitted by Verizon Wireless.

<u>Action</u>: The Zoning Administrator approved the project subject to conditions.

CITY COUNCIL/HOUSING AUTHORITY MEETING

March 19, 2019

HOUSING ELEMENT ANNUAL PROGRESS REPORT REVIEW FOR FILE NO. PADV19-002: Housing Element Annual Progress Report for Calendar Year 2018. The Housing Element Annual Report is Categorically Exempt from California Environmental Quality Act (CEQA), as amended in accordance with Section 15306 (Information Collection).

<u>Action</u>: The City Council approved a resolution authorizing staff to transmit the 2018 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Office of Planning and Research.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME EXTENTION FOR FILE NOS. PMTT10-002 (TT17449) AND PMTT10-001 (TT17450): A Time Extension of the expiration date of approval for: 1) Tentative Tract Map 17449 to subdivide 18.72 acres of land into 97 lots and 15 lettered lots within the Z-Lot (Neighborhood 5) land use designation of the Countryside Specific Plan, located on south of Chino Avenue, north of the SCE utility corridor and east of the Cucamonga Creek Channel; and 2) Tentative Tract Map (TT 17450) to subdivide 16.82 acres of land into 138 lots and 16 lettered lots within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan, located on south of Chino Avenue and east of the Cucamonga Creek Channel and northwest of the Lower Deer Creek Channel. The environmental impacts of this project were previously reviewed in conjunction with Countryside Specific Plan (PSP04-001) for which an EIR (SCH# 2004071001), was certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts; (APNs: 0218-131-

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11, 12, 22, 40, and 43) **submitted by Forestar Countryside, LLC.** The Planning Commission recommended approval of this item on February 26, 2019, with a vote of 6 to 0.

<u>Action</u>: City Council adopt resolutions approving a five-year time extension for Tentative Tract Map No. 17449 (File No. PMTT10-002) and Tentative Tract Map No. 17450 (File No. PMTT10-001).

ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO.

<u>PUD17-003</u>: A Planned Unit Development (File No. PUD17-003) to establish development standards, design guidelines and infrastructure requirement for 2.6 acres of land, for property located along the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed-Use) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, 1048-472-21) **submitted by Elba Inc.** The Planning Commission recommended approval of this item on February 26, 2019, with a vote of 6 to 0.

<u>Action</u>: The City Council introduced and waive further reading of an ordinance approving a Planned Unit Development, File No. PUD17-003, establishing development standards and guidelines to facilitate the development of a commercial center located at the northwest corner of Holt Boulevard and Grove Avenue.

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING

March 26, 2019

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-045:

A modification to Development Plan (File No. PDEV17-045) to introduce two new single-story conventional floor plans, ranging in size from 1,445 square feet to 1,481 square feet for 34 lots within Tract 18400. The project consists of 40.20 acres of land located within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan, located at the southeast corner of Archibald Avenue and Eucalyptus Avenue. The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on April 21, 2015. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-281-15 and 0218-281-16) submitted by KB Home.

Action: The Planning Commission approved the project subject to conditions.

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<u>NINETEENTH ANNUAL MODEL COLONY AWARDS FILE NO. PHP19-002:</u> A request for the Historic Preservation Commission to accept the nominations for the Nineteenth Annual Model Colony Awards; **submitted by City of Ontario. City Council presentation of Awards.**

ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP18-036 & PDEV18-034: A Conditional Use Permit to establish a drive-thru retail use in conjunction with a Development Plan to construct a commercial drive-thru retail/restaurant building, totaling 7,354 square feet on 1.16 acres of land located at the northeast corner of Grove Avenue and Philadelphia Street, at 2195 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0113-641-15) submitted by Phelan Development Company.

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-012:

A Development Plan to construct a wireless telecommunications facility (T-Mobile) on an existing 139-foot tall SCE transmission tower on 12.3 acres of land generally located on the north side of Francis Avenue, approximately 1,000 feet of Milliken Avenue, within the SCE Easement land use designation of the Entratter Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0238-121-44) submitted by T-Mobile.

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT AMENDMENT FOR FILE NO.

<u>PDA07-005</u>: A Development Agreement Amendment (First Amendment - File No. PDA07-005) between the City of Ontario and STG Communities II, LLC, a California limited liability company, to modify certain infrastructure requirements associated with the development of Tentative Tract Maps Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002), located on the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with West Haven Specific Plan (PSP03-006) EIR (SCH# 2004071095) certified by the City Council on July 17, 2007. This application introduces no new significant environmental impacts, and all previously adopted mitigation

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measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 2018-151-11 and 0218-151-38) **submitted by STG Communities II, LLC**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-

<u>013</u>: A Tentative Tract Map (File No. PMTT17-013/TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 12 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-161-01) submitted by Richland Communities.

Action: Continued to the 4/23/2019 Planning Commission meeting.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEWS FOR FILE NO'S. PMTT17-

014, PMTT17-015 AND PMTT17-016: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 2) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and 3) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 13 lettered lots for residential and private streets for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5C and 5D (Residential - Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-161-01) submitted by Richland Communities.

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Action: Continued to the 4/23/2019 Planning Commission meeting.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-005: A Development Agreement between the City of Ontario and Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013), for property located on the north east corner of Haven and Schaefer Avenues within the Planning Area 5A, 5B, 5C, and 5D (Residential – Small Lot SFD) land use designation of the Rich-Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich-Haven Specific Plan (File No. PSP05-004) Environmental Impact Report (SCH #2006051081) certified by City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-161-01) submitted by Haven Ontario NMC 1, LLC, a Florida limited liability company, and Haven Ontario NMC 2, LLC, a Florida limited liability company. City Council Action is required.

Action: Continued to the 4/23/2019 Planning Commission meeting.

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City of Ontario Planning Department Monthly Activity Report—New Applications Month of March 2019

PCUP19-004:

Submitted by Mario Caballero

A Conditional Use Permit to add a 1,827-square foot pool house and second-story storage area to an existing 609-square foot detached garage on 0.41 acres of land located at 2036 South Helen Avenue, within the AR-2 (Residential-Agriculture – 0 to 2.0 DUs/Acre) zoning district (APN: 1014-571-22). **Zoning Administrator action is required.**

PCUP19-005:

Submitted by Liquour License Agents

A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for onpremise consumption (Type 41 ABC license) in conjunction with an existing 1,400 square foot restaurant (Burgerim) on 1.8 acres of land located at 990 Ontario Mills Drive. **Zoning Administrator action is required.**

PCUP19-006:

Submitted by Saber Fitness

A Conditional Use Permit to establish a 24,345-square foot fitness facility on 2.75 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) zoning district (APN: 0110-181-15). **Zoning Administrator action is required.**

PCUP19-007:

Submitted by Verizon Wireless

A Conditional Use Permit to establish a non-stealth wireless telecommunications facility at 57 feet in height (Verizon Wireless) on an existing 134-foot tall SCE transmission tower, and a 225-square foot equipment enclosure on 4.7 acres of land located at 3210 East Merrill Avenue, within the SCE Corridor land use designation of the Subarea 29 Specific Plan (APN: 0218-052-20). Related File PDEV19-019. **Development Advisory Board and Planning Commission actions are required.**

PCUP19-008:

Submitted by Nataly's Tacos

A Conditional Use Permit to establish alcoholic beverage sales for on-premise consumption, including beer, wine and distilled spirits (Type 47 ABC license -- On-Sale General for Bona Fide Public Eating Place) in conjunction with an existing 1,579-square foot restaurant (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive, Unit 5, within the CN (Neighborhood Commercial) zoning district (APN: 0113-564-27). **Zoning Administrator action is required.**

PCUP19-009:

Submitted by Brad Boatman

A Conditional Use Permit to establish outdoor vehicle storage on 0.64 acres of land located at the southwest corner of Mission Boulevard and Mildred Avenue, at 1002 South Mildred Avenue, within the IG (General Industrial) zoning designation (APN: 0113-343-37). **Zoning Administrator action is required.**

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City of Ontario Planning Department Monthly Activity Report—New Applications Month of March 2019

PDA-19-002: Submitted by SLV LC Center, LLC; HCW LC Center, LLC; Strack Farms Land, LLC; RHV Valley Glen, LLC; MV Valley Glen, LLC; EPC Holdings 938 LLC

A Development Agreement by and between the City of Ontario and SLV LC Center, LLC; HCW LC Center, LLC; Strack Farms Land, LLC; RHV Valley Glen, LLC; MV Valley Glen, LLC; EPC Holdings 938 LLC, to establish terms for the development of Tentative Tract 20157 located at the southeast corner of Old Edison Road and Cleveland Avenue, within Planning Areas 1 through 4 of the Esperanza Specific Plan (APNs: 0218-252-070, 0218-252-080, 0218-252-090, 0218-252-100). Planning Commission and City Council actions are required.

PDA-19-003: Submitted by SL Ontario Development Company, LLC

A Development Agreement by and between the City of Ontario and SL Ontario Development Company, LLC; located at the southeast corner of Eucalyptus and Haven Avenues, within the Subarea 29 Specific Plan (APNs: 0218-331-30, 0218-331-12, and 0218-331-18). Related File: PSPA18-009. **Planning Commission and City Council actions are required.**

PDEV19-015: Submitted by United Trust Realty Corporation

A Development Plan to construct a 27,670-square foot industrial building on 1.21 acres of land located at 1413 West Holt Boulevard, within the IP (Industrial Park) zoning district (APN: 1011-111-40). **Development Advisory Board action is required.**

PDEV19-016: Submitted by Henry Mai

A Development Plan to construct 6 single-family dwellings, including 5 dwellings with detached accessory dwelling units, on approximately 1.47 acres of land located at 1050 West Francis Street, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DUs/Acre) zoning district (APN: 1014-191-07). Related File: PMTT19-005. **Development Advisory Board and Planning Commission actions are required.**

PDEV19-017: Submitted by J.P. Morgan Chase Bank

A Development Plan to construct a 3,080-square foot commercial building (J.P. Morgan Chase Bank) within a previously approved commercial shopping center on 10.06 acres of land located on the south side of Ontario Ranch Road, between New Haven Drive and Haven Avenue, at 3470 East Ontario Ranch Road, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02). **Development Advisory Board action is required.**

PDEV19-018: Submitted by Holt-San Antonio LLC

A Development Plan to construct a 3,033-square foot fast-food restaurant (The Habit Burger Grill) on 0.34 acres of land located at 624 West Holt Boulevard, within the MU1 (Downtown Mixed Use) zoning district (APN: 1048-591-30). **Development Advisory Board action is required.**

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City of Ontario Planning Department Monthly Activity Report—New Applications

Month of March 2019

PDEV19-019:

Submitted by Verizon Wireless

A Development Plan to construct a non-stealth wireless telecommunications facility at 57 feet in height (Verizon Wireless) on an existing 134-foot tall SCE transmission tower, and a 225-square foot equipment enclosure on 4.7 acres of land located at 3210 East Merrill Avenue, within the SCE Corridor land use designation of the Subarea 29 Specific Plan (APN: 0218-052-20). Related File: PCUP19-007. **Development Advisory Board and Planning Commission actions are required.**

PLFD19-001: Submitted by Under the Sun and Moon Family Child Care

A Large Family Daycare for maximum 14 children, located at 3204 East Denali Drive, within the Low Density Residential Land Use District of the Grand Park Specific Plan (APN: 0218-616-37). **Zoning Administrator action is required.**

PMTT19-004:

Submitted by QIBLA Living Trust

A Tentative Tract Map (TT 20272) to subdivide 3.58 acres of land into 8 lots located at 1240 West Francis Avenue, within the AR-2 (Residential-Agriculture – 0 to 2.0 DUs/Acre) zoning district (APN: 1014-211-08 and 1014-211-09). **Development Advisory Board and Planning Commission actions are required.**

PMTT19-005:

Submitted by Henry Mai

A Tentative Tract Map to subdivide approximately 1.47 acres of land into 6 lots located at 1050 West Francis Street, within the LDR-5 (Low-Density Residential – 2.1 to 5.0 DUs/Acre) zoning district (APN: 1014-191-07). Related File: PDEV19-016. **Development Advisory Board and Planning Commission actions are required.**

PMTT19-006:

Submitted by GDC-RCC 2, L.P.

A Tentative Tract Map to subdivide 20.48 acres of land into 154 parcels (128 numbered lots and 26 lettered lots) located on the east side of future Mill Creek Avenue, approximately 670 feet south of Ontario Ranch Road, within the Standalone Residential land use district of the Rich Haven Specific Plan (APN: 0218-211-12). **Development Advisory Board and Planning Commission actions are required.**

PMTT19-007:

Submitted by Henry Mai

A Tentative Parcel Map (PM 19970) to subdivide 0.72 acres of land into 3 lots located at 1919 South Cypress Avenue, within the LDR-5 (Low-Density Residential – 2.1 to 5.0 DUs/Acre) zoning district (APN: 1050-331-24). **Development Advisory Board and Planning Commission actions are required.**

PPRE19-003:

Submitted by Jacobs Engineering

A Preliminary Review for the construction of a 93,409-square foot Federal Inspection Services Facility (FIS) located between ONT Terminals 2 and 4, directly west of 2500 East Airport Drive.

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City of Ontario Planning Department Monthly Activity Report—New Applications Month of March 2019

OIAA project Name: 201803004 - FIS Replacement Facility (APNs: 0113-513-01 and 211-201-02). **Staff action is required.**

PSGN19-031:

Submitted by Sign Specialists

A Sign Plan for the installation of a wall sign (17.5 SF) for XPOLOGISTICS, located at 5250 East Ontario Mills Parkway, within the Ontario Mills Specific Plan. **Staff action is required.**

PSGN19-032:

Submitted by Printbyme, Inc.

A Sign Plan for the installation of a wall sign (28 SF) for POKE N SALAD, located at 980 North Ontario Mills Parkway, Suite E, within the Ontario Mills Specific Plan. **Staff action is required.**

PSGN19-033:

Submitted by Cathay Bank

A Sign Plan for the installation of a wall sign (35 SF) for CATHAY BANK, located at 2000-A South Grove Avenue, within the Grove Avenue Specific Plan. **Staff action is required.**

PSGN19-034:

Submitted by Powermax

A Sign Plan for the installation of a wall sign (60.04 SF) for POWERMAX, located at 1520 South Grove Avenue, Building 1, within the Grove Avenue Specific Plan. **Staff action is required.**

PSGN19-035:

Submitted by Inland Signs, Inc.

A Sign Plan for the installation of a wall sign for GLP, located at 2825 East Jurupa Street, within the Hofer Ranch Specific Plan. **Staff action is required.**

PSGN19-036:

Submitted by Inland Signs, Inc.

A Sign Plan for the installation of a wall sign and reface of an existing monument sign for GLP, located at 1670 South Champagne Avenue, within the IH (Heavy Industrial) zoning district. **Staff action is required.**

PSGN19-037:

Submitted by Inland Signs, Inc.

A Sign Plan for the installation of a wall sign and logo (south elevation - $2'-6" \times 11'-6"$) for GLP, and logo (southeast corner of building - $2'-9" \times 2'-9"$), located at 5125 East Ontario Mills Parkway, within the IG (General Industrial) zoning district. **Staff action is required.**

PSGN19-038:

Submitted by Inland Signs, Inc.

A Sign Plan for the installation of a wall sign (3'-0" x 13'-10") for GLP, located at 1950 South Sterling Avenue, within the California Commerce Center South Specific Plan. **Staff action is required.**

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City of Ontario Planning Department

Monthly Activity Report—New Applications

Month of March 2019

PSGN19-039: Submitted by Inland Signs, Inc.

A Sign Plan for the installation of a wall sign (1'-8" x 7'-8") for GLP, located at 5505 East Concours Street, within the Crossroads Business Park Specific Plan. **Staff action is required.**

PSGN19-040:

Submitted by Metro by T-Mobile

A Sign Plan for a temporary banner (3' \times 7.5') to read "Metro by T-Mobile", located at 1125 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district. 4/1/2019 to 4/30/2019. Staff action is required.

PSGN19-041:

Submitted by AKC Permit Co

A Sign Plan for the installation of a wall sign (3'-11" x 11'-5") for BLINK FITNESS, locate at 130 West G Street, within the MU-1 (Downtown Mixed Use) zoning district. **Staff action is required.**

PSGN19-042:

Submitted by Speed Quality Signs

A Sign Plan for the installation of two wall signs (1'-7" x 12') for BURGERIM, located at 990 North Mills Drive, Suite C, within the Ontario Mills Specific Plan. **Staff action is required.**

PSGP19-001:

Submitted by Loren Industries

A Sign Program establishing signage regulations, standards and guidelines governing signage for a 9.34-acre shopping center located on the south side of Fourth Street, at the terminus of Baker Avenue, at 1670 East Fourth Street, within the CC (Community Commercial) zoning district (APN: 0110-181-19). **Staff action is required.**

PSGP19-002:

Submitted by Donco & Sons, Inc.

A Sign Program to allow for additional signage on 149,000 SF industrial building located at 4652 East Brickell Street, within the Pacific East Gate/Pacific West Gate Specific Plan. **Staff action is required.**

PTUP19-010:

Submitted by Circo Caballero

A Temporary Use Permit for Circo Caballero, to be held at the Ontario Mills Mall (1 East Mills Circle). Event will be held on 4/2/2019 through 4/16/2019. **Staff action is required.**

PTUP19-011:

Submitted by Lennar Homes of California, Inc.

A Temporary Use Permit for a temporary sales office for LENNAR HOMES, located at 4010 South Bowery Place, within the Avenue Specific Plan. **Staff action is required.**

PTUP19-012:

Submitted by The Office Bar

A Temporary Use Permit for an outdoor St. Patrick's Day event for The Office Bar, located at 2425 South Grove Avenue. Event will be held on 3/17/2019, 8:00AM to 11:00PM. **Staff action is required.**

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City of Ontario Planning Department Monthly Activity Report—New Applications

Month of March 2019

PTUP19-013

Submitted by Montecito Baptist Church

A Temporary Use Permit for Montecito Baptist Church Annual Ladies Conference event, located at 2560 South Archibald Avenue. Event to be held on 4/5/2019 to 4/6/2019, from 12:00PM to 11:00PM on 4/5 and 7:00AM to 4:00PM on 4/6. **Staff action is required.**

PTUP19-014:

Submitted by Lennar Homes of California, Inc.

A Temporary Use Permit for home sales out of the recreation center at 4535 South Afton Privado, within the Esperanza Specific Plan. **Staff action is required.**

PTUP19-015:

Submitted by Joseph Romero

A Temporary Use Permit for a grand opening event for 4U Medical Transit, LLC, located at 3125 East Guasti Road. Event to be held on 4/6/2019, 12:00PM to 10:00PM. **Staff action is required.**

PTUP19-016:

Submitted by City of Ontario

A Temporary Use Permit for the Amgen Tour of California (Men's Stage 6 Start - Ontario to Mt. Baldy) to be held at the Citizens Business Bank Arena, 4000 Ontario Center Parkway. Event to be held on 4/17/2019, 2:00AM to 6:00PM. **Staff action is required.**

PTUP19-017:

Submitted by Mile Square Foundation

A Temporary Use Permit for a Cinco de Mayo Event for Mile Square Foundation, located at 1025 North Vine Avenue. Event to be held on 5/4/2019, 11:30AM to 5:30PM. **Staff action is required.**

PTUP19-018:

Submitted by Cystic Fibrosis Foundation

A Temporary Use Permit for the Cystic Fibrosis Great Strides 5k Walk fundraiser, to be held at Guasti Regional Park, located at 800 North Archibald Avenue. Event will be held on 5/4/2019, 5:30AM to 12:30PM. **Staff action is required.**

PTUP19-019:

Submitted by Panana Night Market

A Temporary Use Permit for an outdoor food festival with local food vendors, general vendors, and live entertainment, located at Ontario Mills Mall, 1 East Mills Circle, in parking lot adjacent to Marshalls. Event to be held from 5/10/2019 to 5/12/2019. **Staff action is required.**

PTUP19-020:

Submitted by American Career College

Temporary Use Permit for American Career College student appreciation rally and career fair, located at 3130 East Sedona Court (approximately 1,000 attendees). Event to be held on 4/17/2019. **Staff action is required.**

PVER19-009:

Submitted by Brigit Axton

A Zoning Verification for 2456 South Grove Avenue (APN: 1051-171-40). Staff action is required.

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City of Ontario Planning Department Monthly Activity Report—New Applications Month of March 2019

PVER19-010: Submitted by Kelly Humphrey

Zoning Verification for 2401, 2409, 2415 and 2421 South Vineyard Avenue (APNs: 0113-285-08, 0113-285-10, 0113-285-11, and 0113-285-12). **Staff action is required.**

PVER19-011: Submitted by Shannon Vogele

A Zoning Verification for 700 North Haven Avenue -- Ontario Airport Hotel and Conference Center (APN: 0210-211-33). **Staff action is required.**

PVER19-012: Submitted by Planning & Zoning Resource Company

A Zoning Verification for 1055 East Francis Street and 1702 South Cucamonga Avenue (APNs: 1050-191-06 and 1050-191-07). **Staff action is required.**

PVER19-013: Submitted by Kandith Garcia

A Zoning Verification for 1422 and 1428 West Mission Boulevard (APNs: 1011-221-04 and 1011-221-05). **Staff action is required.**

PVER19-014: Submitted by Brittney Sharry

A Zoning Verification letter for 1110 East Philadelphia Street (APN: 1051-151-04). **Staff action is required.**

PVER19-015: Submitted by Richard Lee

A Zoning Verification for 1610 South Cucamonga Avenue (APN: 1050-201-02). **Staff action is required.**

PVER19-016: Submitted by Ontario Concessions, LLC

A Zoning Verification for 2900 East Airport Drive (APN 0211-201-13). Staff action is required.

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