CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

November 23, 2021

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						
Anderson	Dean	DeDiemar	Gage	Lampkin	Ricci	Willoughby
PLEDGE OF ALLEGIANCE TO THE FLAG						

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

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

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

CONSENT CALENDAR ITEMS

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

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of October 26, 2021, approved as written.

A-02. REVIEW OF THE ONTARIO CONCEPTUAL 'GREAT' PARK MASTER PLAN AND PRELIMINARY PARK DESIGN FOR PHASE 1 FOR FILE NO. PADV21-004: A request for the approval of the City of Ontario Conceptual 'Great' Park Master Plan and Preliminary Park Design for Phase 1. The Ontario 'Great' Park is approximately 370 acres that extend over 3-1/2 miles in an east-west direction from Haven Avenue to Campus Avenue and has varying widths anticipated between 280 to 1,600 feet. The Conceptual 'Great' Park Master Plan will guide the future phased improvements and development of the 'Great' Park, seeking to provide a major amenity for Ontario residents as a key organizational element of land use development. The 'Great' Park is envisioned to accommodate passive and recreational uses, cultural amenities, outdoor performance venues, gardens, ponds and waterways, a network of trails, bike paths, and greenways. The Conceptual 'Great' Park Master Plan will provide a flexible framework and be used by the City of Ontario as the basis for the review and approval of the future development of the Ontario 'Great' Park. The Preliminary Park Design for Phase 1 of the 'Great' Park encompasses approximately 130 acres of land bordered by Grand Park Street to the north, Eucalyptus Avenue to the south, Haven Avenue on the east, and Archibald Avenue on the west. The concept for Phase 1 includes an amphitheater, a central arroyo, meadows, fields as dual-use areas, and a hierarchy of trail systems. (Phase 1 APNs: 0218-241-58, 0218-241-49, 0218-241-39, 0218-241-45, & 0218-241-47) submitted by the City of Ontario. City Council action is required.

PUBLIC HEARING ITEMS

For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak, unless there are a number of person's wishing to speak and then the Chairperson will allow only three (3) minutes, to accommodate for more

persons. The Planning/Historic Preservation Commission may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.

PLANNING & HISTORIC PRESERVATION COMMISSION ITEMS

B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA21-004: A Development Agreement (File No. PDA21-004) between the City of Ontario and LHC Ontario Holdings, LLC., to establish the terms and conditions for the development of Tentative Tract Map 18916 (File No. PMTT21-011), a 11.05 acre property located near the southwest corner of Archibald and Chino Avenues, within Neighborhood 7 of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001) certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-131-34) submitted by LHC Ontario Holdings, LLC. City Council action is required.

1. CEQA Determination

No action necessary – Use of a previously certified EIR

2. File No. PDA21-004 (Development Agreement)

Motion to recommend Approval/Denial

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-011 (TTM 18916): A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 numbered lots and two lettered lots to facilitate future residential development, located near the southwest corner of Archibald and Chino Avenues, within Neighborhood 7 of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), Environmental Impact Report (State Clearinghouse No. 2004071001) certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-131-34) submitted by LHC Ontario Holdings, LLC.

1. CEQA Determination

No action necessary – Use of a previously certified EIR

2. File No. PMTT21-011 (TTM 18916) (Tentative Tract Map)

Motion to Approve/Deny

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Met on November 10, 2021.
- 2) New Business
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

1) Monthly Activity Report

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

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

I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **November 19, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Gwen Berendsen, Secretary Pro Tempore

Rudy Zeledon, Planning Director Planning/Historic Preservation Commission Secretary

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

October 26, 2021

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CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

October 26, 2021

REGULAR MEETING: City Hall, 303 East B Street

Called to order by Chairman Gage at 6:30 PM

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Anderson, Dean,

DeDiemar, Lampkin, and Ricci

Absent: None

OTHERS PRESENT: Planning Director Zeledon, City Attorney Maldonado, Principal Planner

Mercier, Principal Planner Ruddins, Senior Planner Ayala, Senior Planner Hutter, Associate Planner Antuna, Associate Planner Vaughn, Transportation Manager Bautista, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Dean.

ANNOUNCEMENTS

No announcements.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of September 28, 2021, approved as written.

It was moved by Willoughby, seconded by Lampkin, to approve the Planning Commission Minutes of September 28, 2021, as written. The motion was carried 7 to 0.

PUBLIC HEARING ITEMS

Mr. Gage recused himself from Items B - E. Vice-Chairman Willoughby, continued the proceedings.

B. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-006: A Mills Act Contract for an 1,833 square foot Monterey Revival and Spanish Eclectic style single-family residence, a

Contributor within the Euclid Avenue Historic District known as the Peter H. Vandenberg House, located at 1240 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-531-07) submitted by Bryan and Monica Sinsabaugh. City Council action is required.

- C. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-010: A Mills Act Contract for a 1,246 square foot Vernacular Bungalow style single-family residence, a Contributor within the College Park Historic District known as the Laura Russell House, located at 1130 North Columbia Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-543-03) submitted by Jonathan and Kelly Rushing. City Council action is required.
- D. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-011: A Mills Act Contract for a 3,824 square foot Italianate style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Harold Latimer House, located at 1112 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-542-04) submitted by Zhenwei and Wei Xu. City Council action is required.
- E. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-012: A Mills Act Contract for a 3,032 square foot Craftsman style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Homer Berger House, located at 1108 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-542-03) submitted by Luke and Jessica Bideaux. City Council action is required.

Associate Planner Antuna, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of File Nos. PHP21-006, PHP21-010, PHP21-011, and PHP21-012, to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval.

Mr. Willoughby asked the current number of historic districts.

Ms. Antuna stated 8 historic districts.

Mr. Willoughby wanted to clarify there would be 82 Mills Act Contracts.

Ms. Antuna stated that is correct.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING / HISTORIC PRESERVATION COMMISSION ACTION

It was moved by DeDiemar, seconded by Lampkin, to recommend adoption of a

resolution to approve the Mills Act Contract, File No., PHP21-006, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, Gage; ABSENT, none. The motion was carried 6 to 0.

It was moved by Lampkin, seconded by Ricci, to recommend adoption of a resolution to approve the Mills Act Contract, File No., PHP21-010, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, Gage; ABSENT, none. The motion was carried 6 to 0.

It was moved by Ricci, seconded by Anderson, to recommend adoption of a resolution to approve the Mills Act Contract, File No., PHP21-011, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, Gage; ABSENT, none. The motion was carried 6 to 0.

It was moved by Dean, seconded by Lampkin, to recommend adoption of a resolution to approve the Mills Act Contract, File No., PHP21-012, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, Gage; ABSENT, none. The motion was carried 6 to 0.

F. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS. PDEV20-020 AND PHP21-014: A Development Plan (File No. PDEV20-020) and Certificate of Appropriateness (File No. PHP21-014) to construct a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land bordered D Street to the north, Euclid Avenue to the west, C Street to the south, and Lemon Avenue to the east, within the C1 Block of the Downtown Civic Center Planned Unit Development and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council on June 21, 2011. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-551-10, 1048-551-11, and 1048-551-12). submitted by Hutton Development.

Senior Planner Ayala, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PHP21-014 and PDEV20-020, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval.

Mr. Zeledon stated there was a correction to the recommended action on the staff report, that this project did not require a Mitigated Negative Declaration as stated.

Mr. Willoughby wanted to know if the entrances would be secured.

Ms. Ayala stated that is correct.

Mr. Lampkin wanted clarification on the number of bridges and their placement.

- Ms. Ayala displayed bridge locations.
- Mr. Gage wanted to clarify that the 3 foot setback from Euclid, would be in addition to the sidewalk.
- Ms. Ayala stated yes, the setback would be taken from the property line off the sidewalk.
- Mr. Gage wanted to clarify that best practices were being followed and the vision will not take over the historic value of the downtown.
- Ms. Ayala stated they don't want to replicate historic buildings and give a false sense of history, but rather pull out traditional elements that compliment what is there.
- Mr. Willoughby wanted to know if the pool, spa, and outdoor area would be street level.
- Ms. Ayala described their locations.
- Mr. Lampkin wanted clarification on the second level floor plans.
- Ms. Ayala described the floor plans.
- Mr. Zeledon clarified the unit construction pattern.
- Mr. Gage wanted to clarify public parking availability in the parking structure and will signage show this.
- Ms. Ayala stated yes that will be the responsibility of the city and they are working to develop a sign program.
- Mr. Gage wanted clarification on the parking management.
- Mr. Zeledon stated this is a city owned parking structure and signage would be the city's responsibility and it would be open for the public events.

PUBLIC TESTIMONY

- Mr. Scott Felix with Hutton Development was available for questions.
- Mr. Lampkin wanted to know about a security plan for the bridges.
- Mr. Felix stated they are going to have 5 bridges, controlled access with a call box and fob structure, so only residents and guess have access.
- Mr. Lampkin wanted clarification on the call boxes.
- Mr. Felix provided clarification.
- Mr. Lampkin wanted to know if the bridges would be enclosed or open.
- Mr. Felix stated they will be open to the sky and balcony type sides.
- Mr. Willoughby wanted to know about any projections on start dates.
- Mr. Felix stated they are pushing to get going and are hoping to be under construction by Quarter 2 of 2022.

- Mr. Willoughby asked regarding proposed rents.
- Mr. Felix stated nothing at this stage.
- Mr. Gage wanted to know of projected uses for the retail/commercial.
- Mr. Felix stated they are hoping for local businesses and the property is not listed yet.
- Mr. Gage asked if Mr. Felix is aware of what is allowed in the downtown district.
- Mr. Felix stated yes.
- Mr. Gage wanted to know if Mr. Felix agrees with the Conditions of Approval.
- Mr. Felix stated yes.

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

- Mr. Willoughby spoke in favor of the project.
- Mr. Lampkin spoke in favor of the project.
- Mr. Gage spoke in favor of the project.

PLANNING / HISTORIC PRESERVATION COMMISSION ACTION

It was moved by Lampkin, seconded by Dean, to adopt a resolution to approve the Certificate of Appropriateness, File No., PHP21-014, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Willoughby, seconded by Ricci, to adopt a resolution to approve the Development Plan, File No. PDEV20-020, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA21-003: A Development Agreement between the City of Ontario and Chino Avenue, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20281 (File No. PMTT19-008), a 4.79-acre property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001), certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-111-56) Submitted by Chino Avenue, LLC. City Council action is required.
- H. ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT19-008 AND PDEV19-023: A Tentative Tract Map (File No. PMTT19-008; TTM 20281) to subdivide 4.79 acres of land into 37 numbered lots and

one common lettered lot in conjunction with a Development Plan (File No. PDEV19-023) to construct 37 dwelling units and an associated recreation facility, for property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001), certified by the City Council on April 18, 2006. 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: 0218-111-56) Submitted by Chino Avenue, LLC.

Associate Planner Vaughn, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of File No. PDA21-003 and approve File Nos. PMTT19-008 and PDEV19-023, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Willoughby spoke in favor of the project and commended staff and applicant.

PUBLIC TESTIMONY

- Mr. Phillip LoSasso with Chino Avenue, LLC was available to answer questions.
- Mr. Lampkin wanted to know about security around the play area.
- Mr. LoSasso stated no fences planned around the play area, just landscape screening.
- Mr. Lampkin wanted to clarify parking spaces.
- Mr. LoSasso stated the extra spaces were handicap parking for the pool area.
- Mr. Willoughby wanted to know if they would be developing or selling off.
- Mr. LoSasso stated they would be developing them.

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

Mr. Gage spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Anderson, to recommend adoption of a resolution to approve the Development Agreement, File No., PDA21-003, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Gage, seconded by DeDiemar, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT19-008, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Lampkin, seconded by Ricci, to adopt a resolution to approve the Development Plan, File No., PDEV19-023, subject to conditions of approval. Roll call

vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

I. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-006: A Tentative Parcel Map (TPM 20335) to subdivide 5.73 acres of land into two parcels located at the northeast corner of Inland Empire Boulevard and Haven Avenue, at 800 North Haven Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-204-03) submitted by Fuscoe Engineering.

Senior Planner Hutter, presented the staff report. She stated that staff is recommending the Planning Commission approve File No. PMTT21-006, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

- Mr. Lampkin wanted to clarify the division of the lot and footprint for future building.
- Ms. Hutter stated there are a variety of uses that could go in.
- Mr. Willoughby wanted to clarify parking requirements for this area.
- Mr. Zeledon clarifies the parking requirements for the area.
- Mr. Willoughby wanted to clarify there is enough parking for all the buildings.
- Mr. Zeledon stated yes that is correct.
- Mr. Ricci wanted clarification regarding the reasoning for the shape of parcel two.
- Ms. Hutter explained that the shape was driven by parking spaces that needed to stay in lot one.
- Mr. Ricci wanted to clarify that a lot line adjustment can be moved in the future, based on need.
- Ms. Hutter responded.
- Mr. Zeledon clarified further regarding subdivision of the parcels.
- Mr. Ricci referred to a past project.
- Mr. Zeledon clarified that this property has just one owner and when they go to market the site, they will put agreements in place for parking and reciprocal access.

PUBLIC TESTIMONY

Steve Ellis with Fuscoe Engineering was available to answer questions.

- Mr. Gage asked if Mr. Ellis agreed with the Conditions of Approval.
- Mr. Ellis stated yes.

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

There was no Planning Commissioner deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Lampkin, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT21-006, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on October 14, 2021.

Mr. Willoughby stated items discussed were the Mills Act Contracts and the Certificate of Appropriateness for C-1 Block.

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

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

New Business

Mr. Gage made a comment regarding the good appearance of the Euclid and G Street commercial block.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Zeledon stated the Monthly Activity reports are available and commended Ms. DeDiemar on the Art Festival.

ADJOURNMENT

Willoughby motioned to adjourn, seconded by Dean. The meeting was adjourned at 8:18 PM to the November 23, 2021 meeting.

Secretary P	ro Tempo



PLANNING COMMISSION STAFF REPORT

November 23, 2021

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

FILE NO.: PADV21-004

SUBJECT: A request for the approval of the City of Ontario Conceptual 'Great' Park Master Plan and Preliminary Park Design for Phase 1. The 'Great' Park encompasses approximately 370 acres of land that extends over 3-1/2 miles in an east-west direction, from Haven Avenue to Campus Avenue, and has a varying width of 280 feet to 1,600 feet. The Conceptual 'Great' Park Master Plan will guide the future phased development of the 'Great' Park, providing a major amenity for Ontario residents and a key organizational element of land use development. The 'Great' Park is envisioned to accommodate passive and recreational uses, cultural amenities, outdoor performance venues, gardens, ponds and waterways, a network of trails, bike paths, and greenways. The Conceptual 'Great' Park Master Plan will provide a flexible framework and establish a basis for the review and approval of the future phased development of the 'Great' Park. The preliminary design for Phase 1 of the 'Great' Park encompasses approximately 130 acres of land bordered by Grand Park Street to the north, Eucalyptus Avenue to the south, Haven Avenue on the east, and Archibald Avenue on the west. The design concept for Phase 1 includes an amphitheater, a central arroyo, meadows, fields as dual-use areas, and a hierarchy of trail systems; (Phase 1 APNs: 0218-241-58, 0218-241-49, 0218-241-39, 0218-241-45, and 0218-241-47) City Initiated. City Council action is required.

PROPERTY OWNER: City of Ontario

RECOMMENDED ACTION: That the Planning Commission consider and recommend that the City Council approve the Conceptual 'Great' Park Master Plan and the Preliminary Park Design for Phase 1, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The Ontario 'Great' Park is comprised of approximately 370 acres of land that extends over 3-1/2 miles in an east-west direction, from Haven Avenue to Campus Avenue, generally between Ontario Ranch Road and Eucalytus Avenue, and has varying widths anticipated between 280 to 1,600 feet. The Policy Plan (General Plan) Land Use Plan designates Ontario Ranch to be developed with approximately 47,000 residential units, over 15.5 million square of commercial/office development, and 20 million square feet of industrial development. The 'Great' Park is generally surrounded by residential and mixed-use land uses to the north and the south. The current site conditions include previous land uses varying from dairy and farm operations, residential and nursery activities. Existing building types relate to these uses, such as abandoned farm structures,

Case Planner:	Jamie Richardson
Planning Director Approval:	PZL
Submittal Date:	11/12/21

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	11/23/21		Recommend
CC	12/20/21		Final

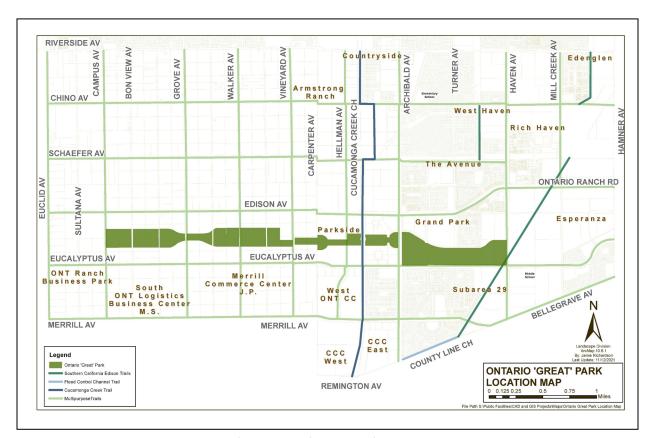


Figure 1: Project Location Map

open fields, and housing. The current landscape consists of native and agrarian typologies. The site generally slopes from the northeast to southwest with minimal elevation change across the project site. The project site is depicted in Figure 1 (Project Location Map), above.

PROJECT ANALYSIS:

(1) <u>Background</u> — In April 2017, the City of Ontario prepared a Request for Qualifications and Proposals for the preparation of the City of Ontario Conceptual 'Great' Park Master Plan. The Scope of Work intended to create a vision for the 'Great' Park that allows for a flexible framework that will guide the future phased development of the 'Great' Park to meet the current and future community needs, as funding becomes available. The consultant selection process contained two parts: the request for qualifications/submission of proposals and interview sessions. There were seven responses from leading planning and landscape firms rated by a panel made up of staff from various City departments and members of NMC Builders, LLC. Three firms were selected and asked to prepare and present a detailed plan of their 'Great' Park Master/Concept Plan.

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In November 2019, the City Council authorized the execution of a Professional Services Agreement with SWA Group of Laguna Beach, to prepare the Conceptual 'Great' Park Master Plan. The SWA Group was chosen based on the overall flexible park framework and phased concept for the 'Great' Park. The consensus of the interview panel was that the SWA Group understood the City's vision for the 'Great' Park as a major amenity and its importance as a key organizational element of land use development. SWA's park concept provides a master-planned park that will allow programs to be added over time, as well as the creation of spaces that can be developed based on community growth and build-out, by phasing the 'Great' Park. The Scope of Services also included the Development and Preliminary Design of Phase 1 of the 'Great' Park.

The 'Great' Park Conceptual Master Plan incorporates sustainable design elements to address stormwater as a resource, capturing runoff and encouraging infiltration. Additionally, it considers the use of drainage detention basins to accommodate passive and active recreational uses during the dry periods. Sustainable, regionally available, low impact, and reused/recycled materials and sensitivity to energy use and energy conservation are considered in the design. Plant selection is appropriate with Ontario's regional climate and irrigation components are designed to be water efficient and effective for the landscape proposed.

The Conceptual 'Great' Park Master Plan includes a flexible park framework consisting of five main elements, including Water, Circulation, Landscape, Interface, and Programing, which allow for a phased approach to development as the community grows and needs are identified. The park framework is briefly described below:

- Water will be used as a key element to highlight its importance by using stormwater management to drive the topography. A central Arroyo will create a focal piece and become the drainage backbone of the 'Great' Park to capture and infiltrate stormwater and create a unifying landscape feature from east to west. Depressed meadows will be used as dual-use spaces for leisure and sports, and provide placeholders for future development and growth.
- Circulation will incorporate a hierarchy of trail systems through the 'Great' Park. Primary and secondary trail systems will integrate the park with adjacent neighborhoods, uses, and the greater City. The primary trail will be the central spine, generally following the Arroyo. Secondary trails will lead to more private spaces and to discovery paths, gardens, and hidden gems within the park space. Vehicular access and parking will be strategically integrated into the park landscape, neighborhood parking along parallel streets, and parking garages and lots in mixed-use and commercial zones are envisioned for the 'Great' Park. Within the Circulation Framework, is a system of signage and wayfinding that will connect and be specific to the heritage of Ontario.
- Landscape will define the park through distinct landscape typologies. As user demand grows, the 'Great' Park will evolve from passive to active areas with a

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sustainable landscape of native and drought-tolerant plant material. A tall canopied forest will define the park's edges to provide shade and protection from the wind and allow visual permeability for safety. Meadows will be incorporated for both passive and active use areas, with the intent to convert to active use turf as the demand grows for sports fields and active spaces. A distinct landscape will follow the trail system from naturalistic to stylized depending on adjacent programs along the Arroyo. Orchards and Windrows will respect Ontario's heritage, be used to contrast with the natural park framework, and create intimate spaces for small-scale programs. The Park Gardens create opportunities to link the 'Great' Park to the community and the specific adjacent land uses such as native, pollinator, educational, and ornamental gardens. The Conceptual 'Great' Park Master Plan plans to utilize the park as a plant nursery for City use, as the Park grows.

- Interface of the 'Great' Park will create a permeable boundary between the Park and the surrounding community by keeping eyes on the street and eyes on the park. Concepts include allowing for parking along the park edge, no block walls against the park, and enhancing the neighborhood interface with monumentation, gateways, and wayfinding.
- Programming will drive the flow to the Park and will be related to the adjacent uses. Programming will offer expansion as the park grows to facilitate active lifestyles, athletic fields, educational opportunities, spaces for play, and activities and spaces to celebrate history and culture. Cultural centers, museums, community facilities, and areas for social gatherings, performance venues, pavilions, retail plazas, farmers markets, pop-up dining, and town greens are some of the various programs identified in the Conceptual 'Great' Park Master Plan.

This strong framework creates consistency through a phased build-out as the park evolves with the community. The Conceptual 'Great' Park Master Plan allows for a strategic multiple-phased approach. The Conceptual 'Great' Park Master Plan project site is depicted in Figure 2 (Ontario 'Great' Park Conceptual Master Plan), below.



Figure 2: Ontario 'Great' Park Conceptual Master Plan

Building on the framework of the Conceptual 'Great' Park Master Plan, the development of Phase 1 is comprised of approximately 130 acres of land and occurs within the eastern portion of Ontario Ranch, bordered by Grand Park Street to the north, Eucalyptus Avenue



Figure 3: Phase 1 Project Location

to the south, Haven Avenue on the east, and Archibald Avenue on the west. The Phase 1 project site is depicted in Figure 3 (Phase 1 Project Location Map), above.

The Planning Department and SWA participated in a virtual community meeting conducted by the Community Life and Culture Agency on October 01, 2020, to inform the community of the Conceptual 'Great' Park Master Plan and the Preliminary Plan for the Phase 1 Development in conjunction with the Recreation and Parks Master Plan Workshop. This was followed by a virtual community workshop on Thursday, November 5, 2020, to present the Conceptual 'Great' Park Master Plan and Preliminary Design for the Phase 1 Development to the community and surrounding residents. The workshop intended to solicit input, receive comments, and answer questions. The community was encouraged to complete the community survey on the City's website to provide Staff with further information and input. A second virtual community workshop was held on June 20, 2021, to discuss the final Preliminary Plan for the Phase 1 Development and allow the opportunity to solicit input, receive comments, and answer questions before finalizing the preliminary plans. In addition to these workshops, Planning Department Staff presented the final Preliminary Plan for the Phase 1 Development to the Parks and Recreation Commission on February 24, 2020, and again on June 28, 2021, to update, inform, and receive comments and input from the Commission. Staff also presented the Plan to the Planning Commission on August 20, 2020, to provide an update on the Ontario 'Great' Park Conceptual Master Plan.

(2) <u>Site Design</u> — The Conceptual 'Great' Park Master Plan will guide the future phased improvements and development of the 'Great' Park. Adjacent residential and commercial uses will be sited to take advantage of the views and access to the park. The park will be linked to surrounding residential neighborhoods and activity centers by a network of trails, bike paths, and paseos. The 'Great' Park is envisioned to accommodate passive and recreational uses, cultural amenities, outdoor performance venues, gardens, ponds and waterways, and other similar elements.

Phase 1 builds upon the framework established in the Conceptual 'Great' Park Master Plan. Phase I includes a central arroyo as drainage, meadows, fields as dual-use areas, and a hierarchy of trail systems. The Conceptual Site Plan for Phase 1 is shown in Figure 4 (Conceptual Site Plan Phase 1), below. The primary trail highlights the Arroyo and provides a main linkage through the park. Secondary trails connect throughout the park, while smaller paths discover hidden gems and gardens. Day one core park amenities are proposed in the center of Phase I, which includes a Market Alley where farmer's markets, food trucks, and community events can be organized. There are plans for a Community Barn and Farm Hub, Kid's Corral (a children's playground), and an amphitheater along the central plaza. Renderings of these spaces are provided in Figures 5 through 8 (Amphitheater, Farm Hub, Kid's Corral, and Community Picnic Table). Phase 1 allows flexibility to grow as the community needs and funding becomes available.



Figure 4: Conceptual Site Plan Phase 1



Figure 5: Amphitheater



Figure 6: Farm Hub



Figure 7: Kid's Corral



Figure 8: Community Picnic Table

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

(1) City Council Goals.

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

(2) <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) <u>Governance</u>.

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) <u>Policy Plan (General Plan)</u>

Land Use Element:

- <u>Goal LU1</u>: 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.

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.

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>\$1-1</u> 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:

- <u>Goal CD2</u>: 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 runoff 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>CD3-5 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.

AlrPORT 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.

Planning Commission Staff Report File No.: PADV21-004

November 23, 2021

On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The Ontario 'Great' Park is located within the Airport Influence Area of Ontario International Airport and all future 'Great' Park development will be designed consistent with the policies and criteria set forth by the ALUCP.

Additionally, the 'Great' Park is located within the Airport Influence area of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. Moreover, portions of the 'Great' Park located between Campus Avenue to the West and Vineyard Avenue to east are located within Safety Impact Zones 4 and 6, and future 'Great' Park development will be designed consistent with the policies and criteria set forth within the Handbook.

ENVIRONMENTAL REVIEW: The Project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, which consists of projects involving only feasibility or planning studies for possible future actions that the City has not approved, adopted, or funded, and does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE THE CONCEPTUAL 'GREAT' PARK MASTER PLAN AND THE PRELIMINARY PARK DESIGN FOR PHASE 1. THE 'GREAT' PARK ENCOMPASSES APPROXIMATELY 370 ACRES OF LAND THAT EXTENDS OVER 3-1/2 MILES IN AN EAST-WEST DIRECTION, FROM HAVEN AVENUE TO CAMPUS AVENUE, AND HAS A VARYING WIDTH OF 280 FEET TO 1,600 FEET. THE PRELIMINARY PHASE 1 DESIGN ENCOMPASSES APPROXIMATELY 130 ACRES OF LAND BORDERED BY GRAND PARK STREET TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, HAVEN AVENUE ON THE EAST, AND ARCHIBALD AVENUE ON THE WEST—PHASE 1 APNS: 0218-241-58, 0218-241-49, 0218-241-39, 0218-241-45, AND 0218-241-47.

WHEREAS, City of Ontario ("Applicant") has initiated an Application for the approval of the City of Ontario Conceptual 'Great' Park Master Plan and Preliminary Park Design for Phase 1, File No. PADV21-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Conceptual 'Great' Park Master Plan encompasses approximately 370 acres of land that extends over 3-1/2 miles in an east-west direction, from Haven Avenue to Campus Avenue, and has a varying width of 280 feet to 1,600 feet. Furthermore, the preliminary design for Phase 1 of the 'Great' Park encompasses approximately 130 acres of land bordered by Grand Park Street to the north, Eucalyptus Avenue to the south, Haven Avenue on the east, and Archibald Avenue on the west; and

WHEREAS, the Conceptual 'Great' Park Master Plan will guide the future phased improvements and development of the 'Great' Park, seeking to provide a major amenity for Ontario residents as a key organizational element of land use development; and

WHEREAS, the Conceptual 'Great' Park Master Plan will provide a flexible framework and be used by the City of Ontario as the basis for the review and approval of the future development of the 'Great' Park; and

WHEREAS, the Conceptual 'Great' Park Master Plan (included as Attachment A of this Resolution) includes a flexible park framework consisting of five main elements, including Water, Circulation, Landscape, Interface, and Programing, which allow for a phased approach to development as the community grows and needs are identified; and

WHEREAS, the Planning Department and SWA Group, project consultant, participated in a virtual community workshop held by the Community Life and Culture Agency on October 01, 2020, to inform the community of the Conceptual 'Great' Park

Master Plan and the Preliminary Plan for the Phase 1 Development in conjunction with the Recreation and Parks Master Plan; and

WHEREAS, the Planning Department and SWA Group conducted a virtual community workshop on Thursday, November 5, 2020, to present the proposed project to the community and surrounding residents, solicit input, receive comments, and answer questions. The community was encouraged to complete the community survey on the City's website to provide further information and input; and

WHEREAS, a second virtual community workshop was held on June 20, 2021, to discuss the final preliminary plan for Phase 1 and allow the opportunity to solicit input, receive comments, and answer questions before finalizing the preliminary plans; and

WHEREAS, Planning Department Staff presented the final Preliminary Plan for the Phase 1 Development to the Parks and Recreation Commission on February 24, 2020, and again on June 28, 2021, to update, inform, and receive comments and input from the Commission; and

WHEREAS, on August 20, 2020, Planning Department Staff presented the Conceptual 'Great' Park Master Plan and the Preliminary Plan for the Phase 1 Development to the Planning Commission, to provide an update on the 'Great' Park Conceptual Master Plan; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a statutory exemption listed in CEQA Guidelines Article 18, commencing with Section 15260; 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 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 is consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the Project is located within the Airport Influence area of Chino Airport and is designed 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, for impacts related noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, on November 23, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<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 has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- (2) The Project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, which consists of projects involving only feasibility or planning studies for possible future actions that the City has not approved, adopted, or funded, and does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors; and
- (3) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

<u>SECTION 2</u>: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as

the recommending 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: 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 rely upon the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics; 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.

- (1) 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, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP; and
- (2) Chino Airport is owned and operated by the County of San Bernardino and is situated within the boundaries of the City of Chino, immediately south of Ontario. Portions of the City of Ontario are impacted by aircraft operations at Chino Airport. The adopted ALUCP for Chino Airport was approved in 1991 and does not reflect the most recently adopted 2005 Airport Master Plan. Also, the existing Chino Airport Land Use Compatibility Plan does not reflect the 2011 Caltrans Airport Land Use Planning Handbook. Although the City of Ontario does not have the formal responsibility under the "alternative process" to prepare a compatibility plan for Chino Airport, the City of Ontario has completed an Airport Land Use Compatibility Plan that analyzes Chino Airport's impacts on Ontario, consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. As the recommending 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 Safety, Noise, Airspace Protection, Overflight. 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 Sections 1 through 3, above, the Planning Commission hereby concludes as follows:
- (1) The Conceptual 'Great' Park Master Plan will guide the future phased improvements and development of the 'Great' Park, seeking to provide a major amenity for Ontario residents as a key organizational element of land use development; and
- (2) The Conceptual 'Great' Park Master Plan will provide a flexible framework and be used by the City of Ontario as the basis for the review and approval of the future development of the 'Great' Park; and
- (3) The Phase 1 Preliminary Plan builds on the framework established in the master plan and the development of Phase 1, is approximately 130 acres and occurs within the eastern portion of Ontario Ranch, Grand Park Street to the north, Eucalyptus Avenue to the south, Haven Avenue on the east, and Archibald Avenue on the west, builds on the framework of the Conceptual 'Great' Park Master Plan; and
- (4) The proposed Conceptual 'Great' Park Master Plan and Preliminary Design for the Phase 1 Development is in conformance with the Policy Plan (General Plan) component of The Ontario Plan and serves as an implementation program and guide for the Policy Plan.
- <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 RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application.
- <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 November 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage Planning Commission Chairman

ATTEST:

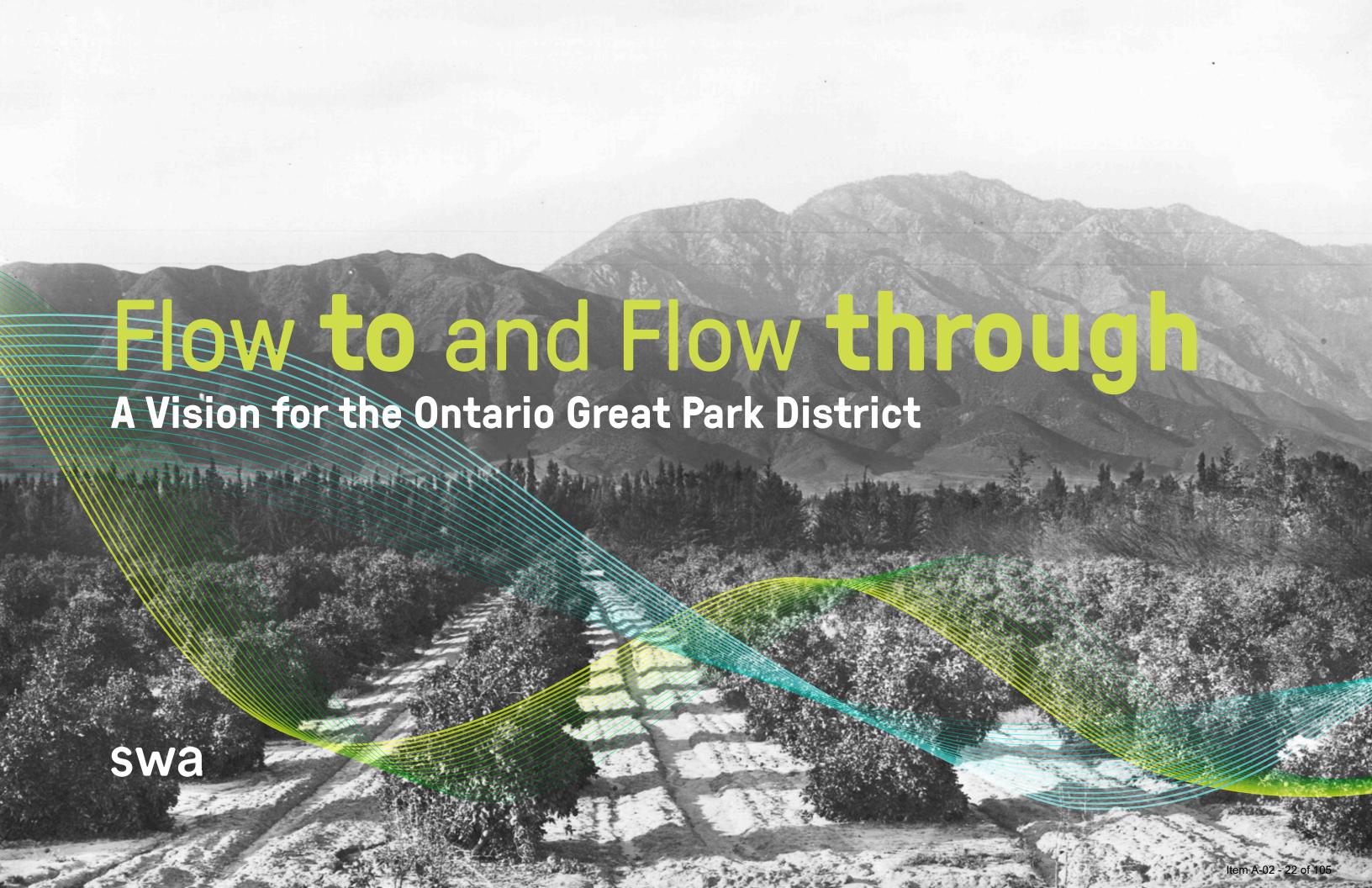
Rudy Zeledon
Planning Director and
Secretary of the Planning Commission

Planning Commission Resolution File No. PADV21-004 November 23, 2021 Page 7	
STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO)))
City of Ontario, DO HEREBY CERTIF	Pro Tempore of the Planning Commission of the FY that foregoing Resolution No was duly Commission of the City of Ontario at their regular by the following roll call vote, to wit:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen
	Secretary Pro Tempore

ATTACHMENT A:

File No. PADV21-004 City of Ontario Conceptual 'Great' Park Master Plan

(Document follows this page)







this canon is between Cheen. The little city miles distant, While the north the Rollishing town of Ontario The nouth of the cañon. diatant on the The Magnolia, Six miles distant on the 5 hara The has an altitude of 2,000 feet, and being Feet higher than adjacent settlements, riew of the broad open valley and ska carron is rather tortuous, but its wahack about six miles, is nearly and northeasterly, mat the Autonio to the men Alla Hill Highwall Item A-02 - 25 of 105

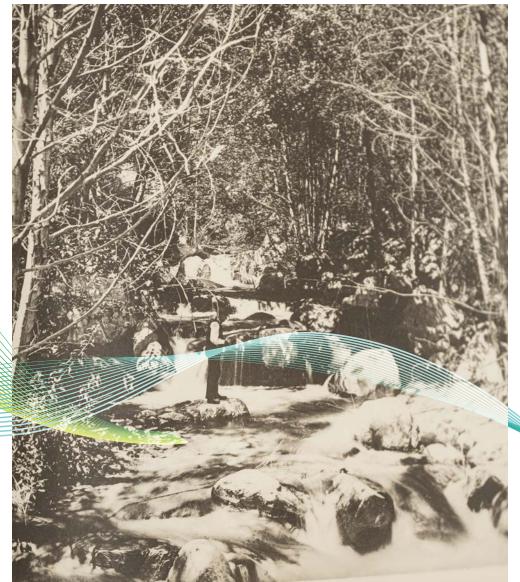


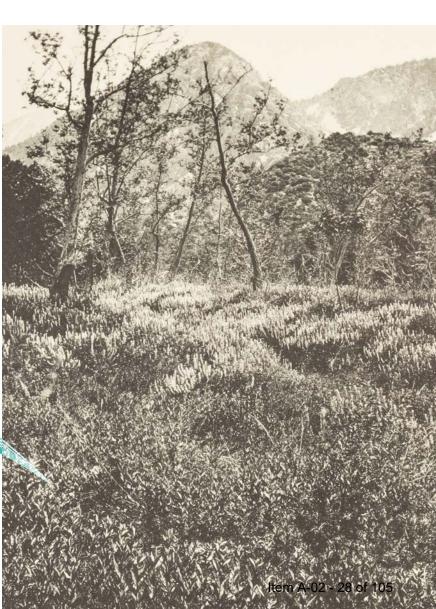


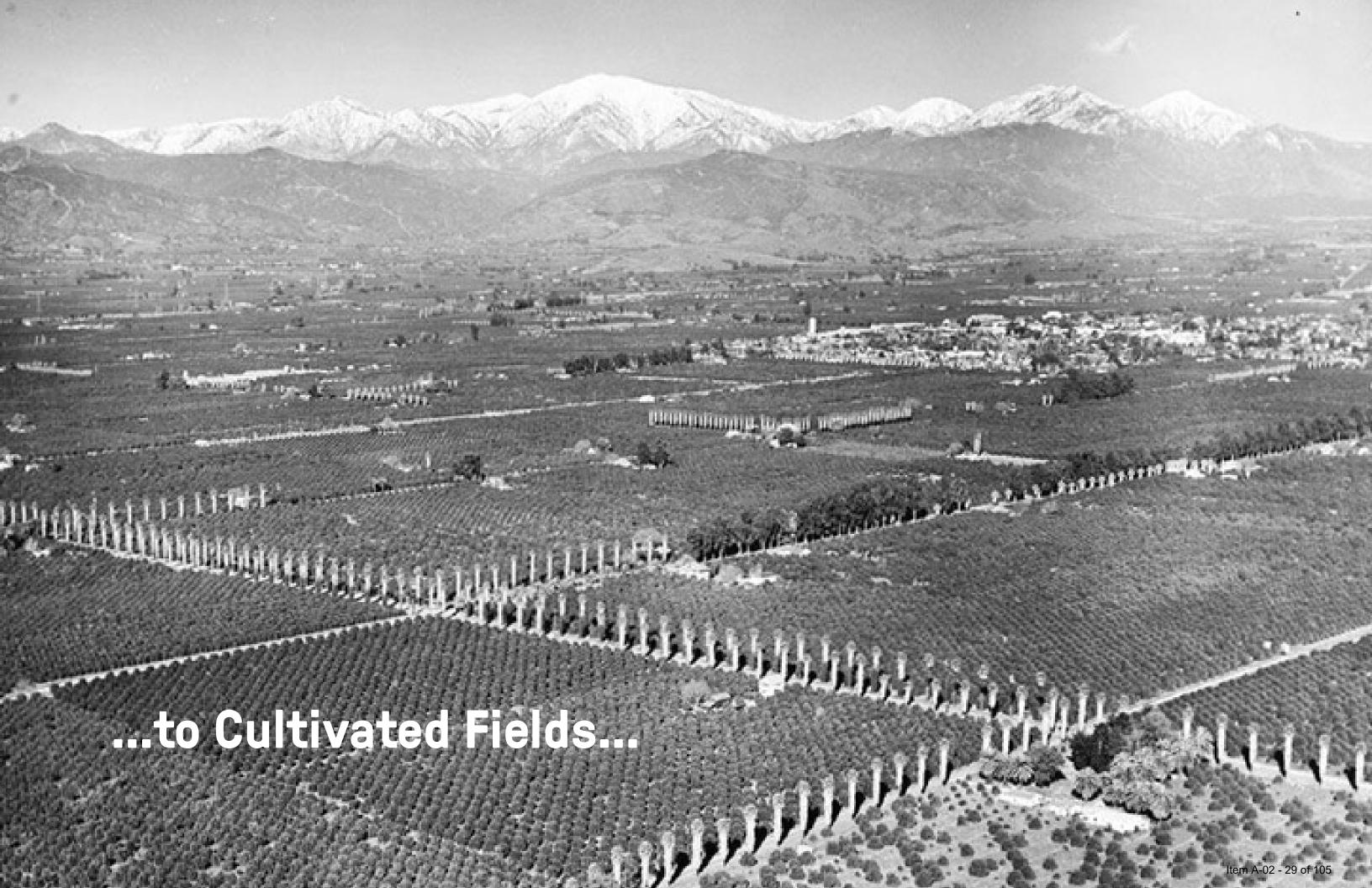


... where spring water flowed down the mountain sides into tree-lined creeks through the meadows



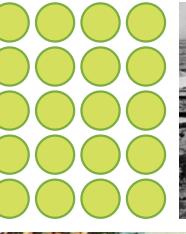














...where water was captured and controlled, and land organized into a grid of roads and orchards and row crops













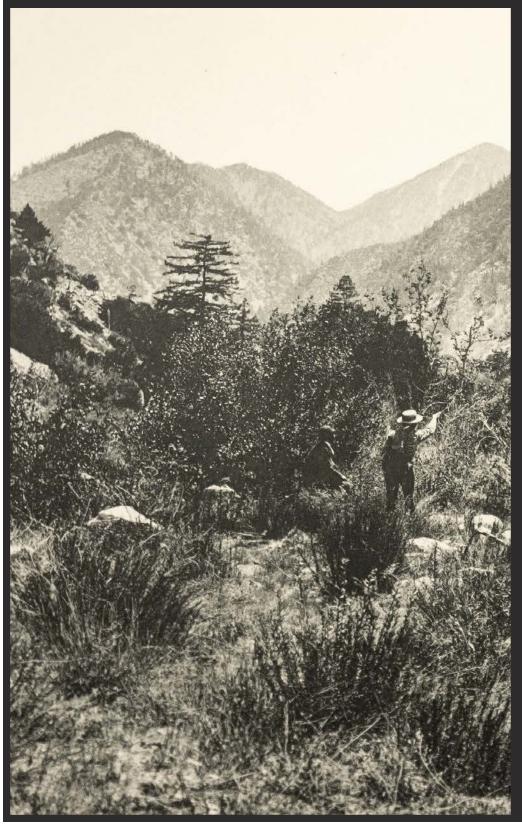
...where grids of homes supersede fields of crops and orchards of trees.



Native — Agrarian



Urbanizing





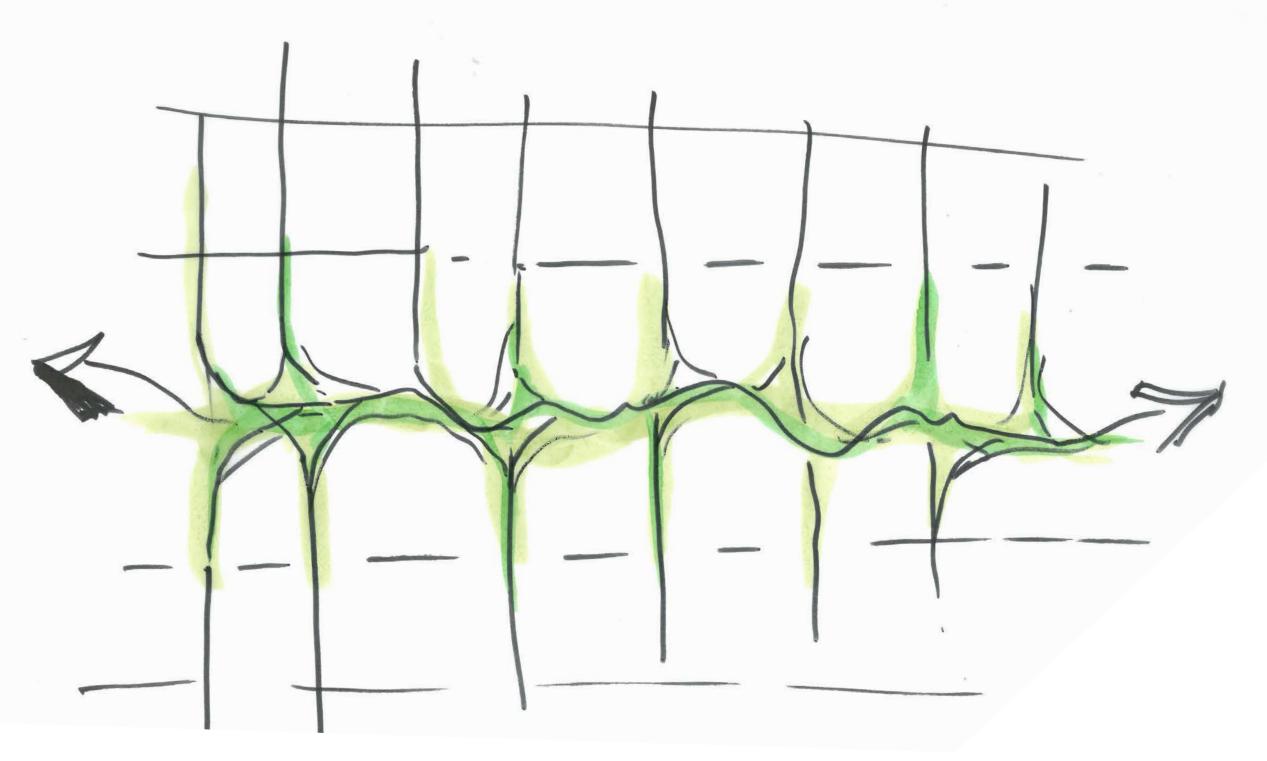


Great Opportunities

- Re-connect the people of Ontario to their native landscape and cultural heritage
- Celebrate the agrarian legacy
- Build a distinct destination
- Create flow through the grid

Vision:

A Great Park District



A Big Park Needs Big Ideas



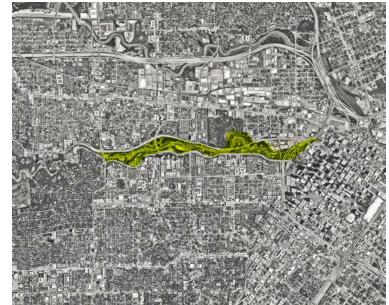
Ontario Great Park Ontario, California 346 acres





Jeffrey Linear Park Irvine, California 54 acres





Buffalo Bayou Park Houston, Texas 160 acres



2.3 Miles



Central Park New York City, New York 843 acres



2.5 Miles

A Distinct yet Flexible Park Framework



Diverse Programs Added over Time

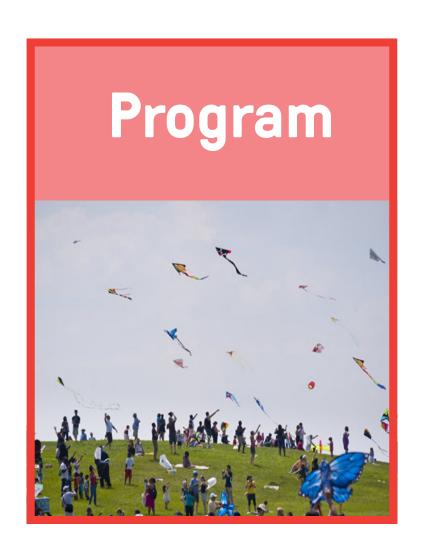
Water

Circulation

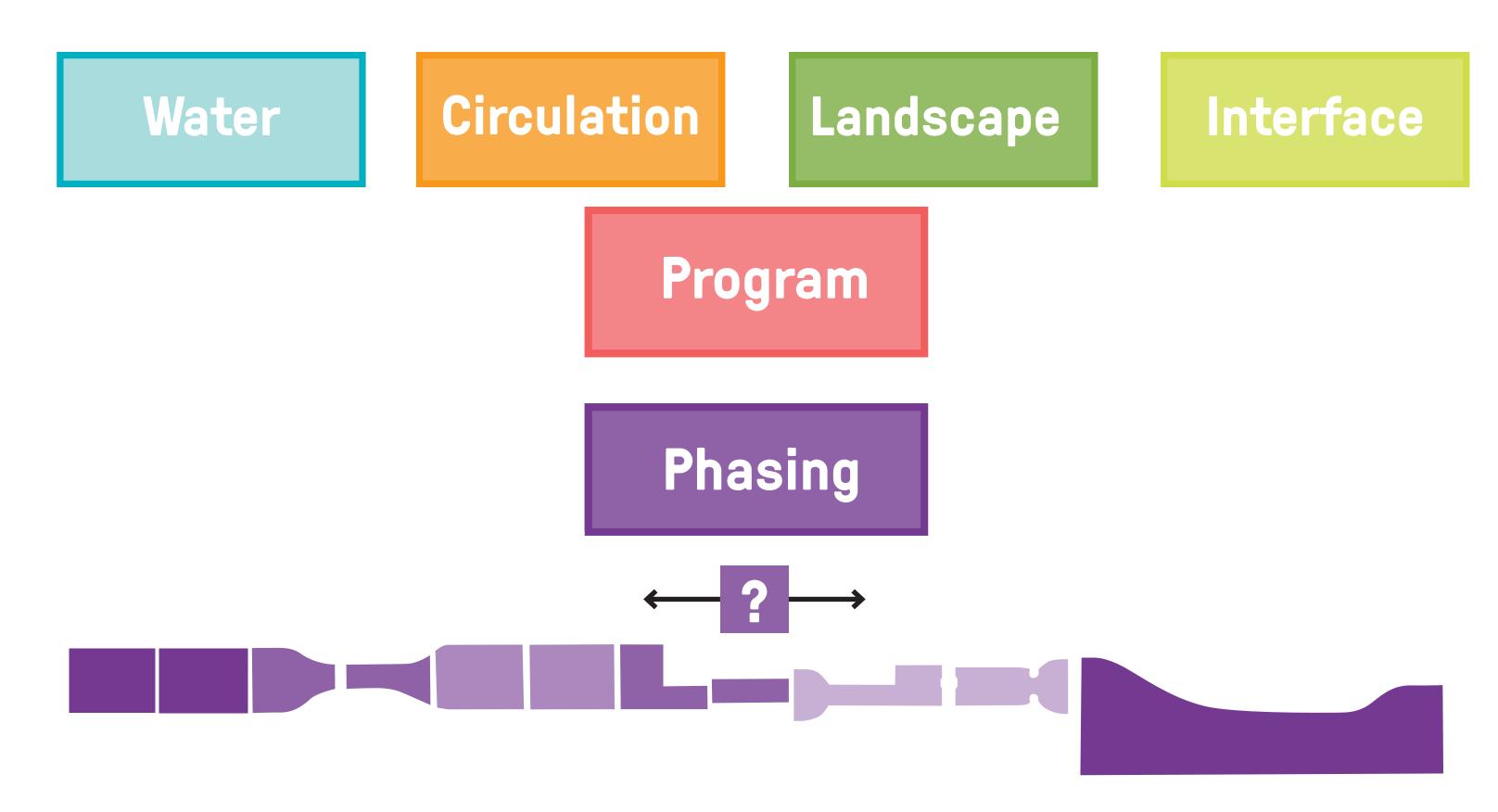
Landscape

Interface





Park Feels Complete through Phased Build-Out

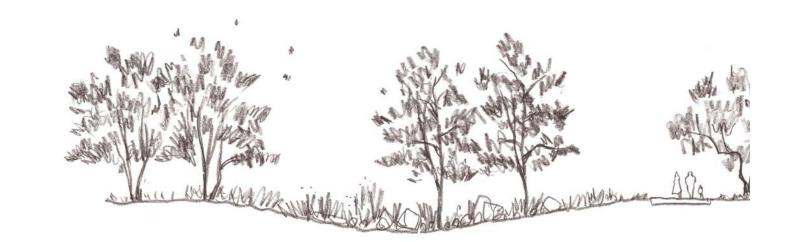


Stormwater Management Drives Topography

- Capture and infiltrate stormwater on site in beautiful and multi-functional ways
- Engineering principles drive park design
- Drainage systems connect park and community

Arroyo as Drainage Backbone

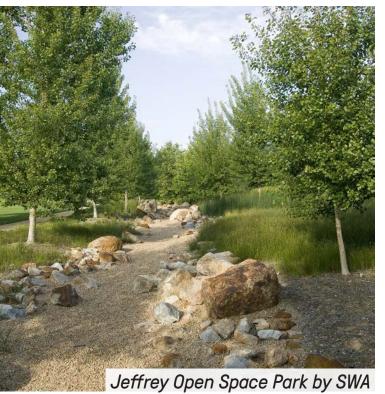
- Lowpoint in park
- Captures and infiltrates stormwater
- Functional element and unifying landscape feature









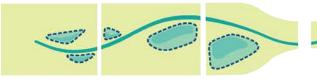




Depressed Meadows as Detention Basins

- Multi-functional
- Spaces for leisure and sports
- Hold excess water during storm events



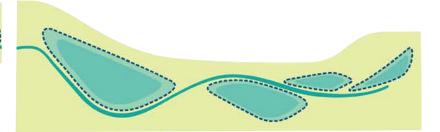




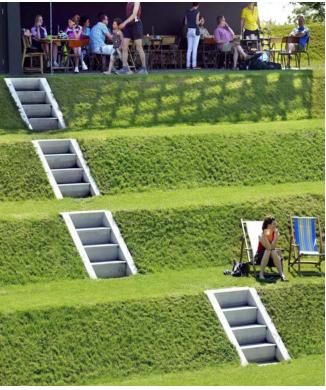










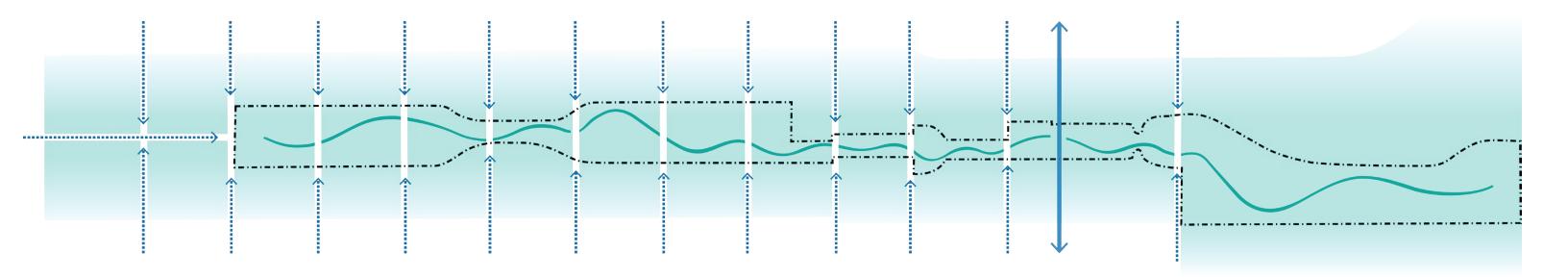




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Capture Runoff from Adjacent Blocks

- The great park district as one stormwater system
- Swales on streets intersecting the park
- Maximize use of park for natural infiltration



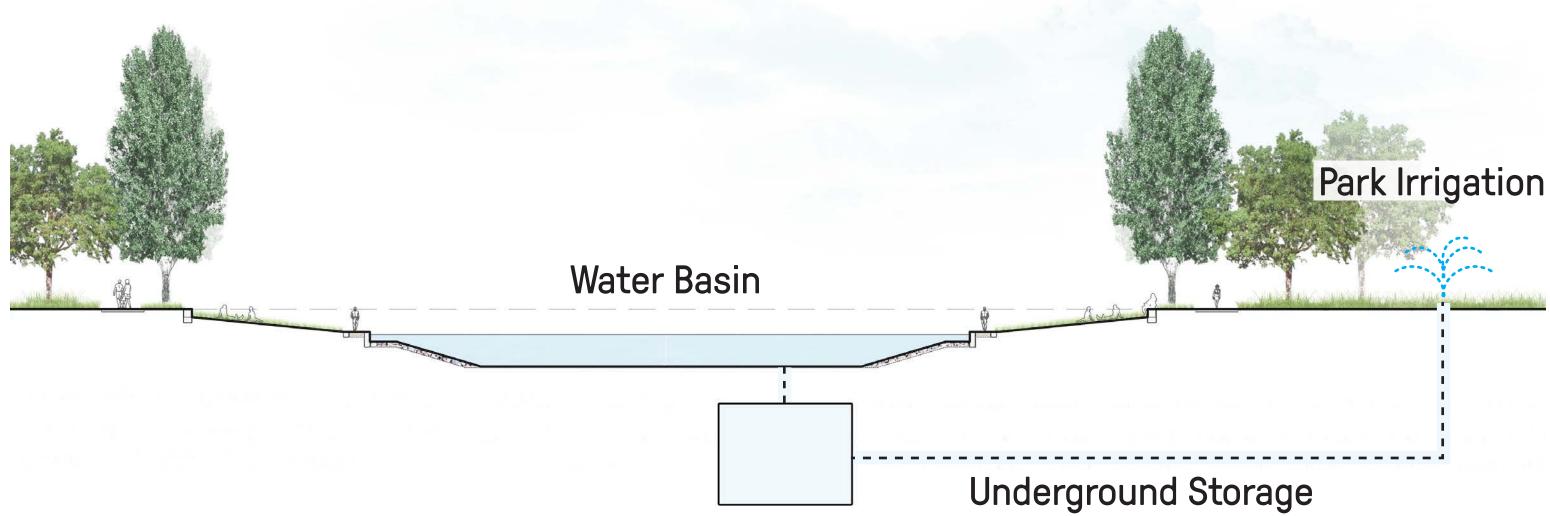




Potential for Capture and Reuse

- Retain instead of detain
- Permanent water reservoir as amenity
- Underground tanks for storage
- Recycled water irrigates park landscaping





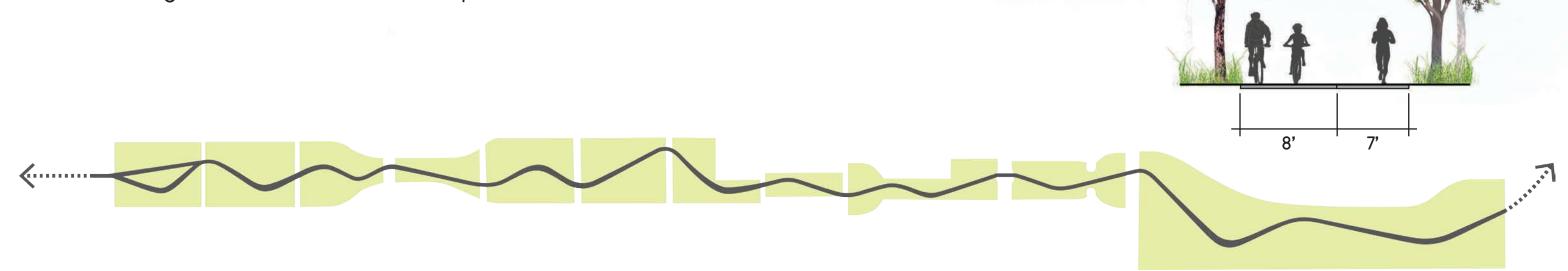
Trails Create Flow Through the Park

- Integrate park with adjacent neighborhoods and greater city
- Hierarchy of trails as park skeleton
- Strategic vehicular access



Primary Trail

- 15' wide multi-use asphalt path as central spine
- Pedestrians and bicyclists
- Undulating trail creates varied experiences



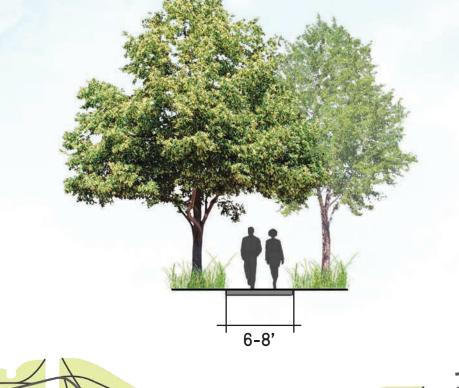


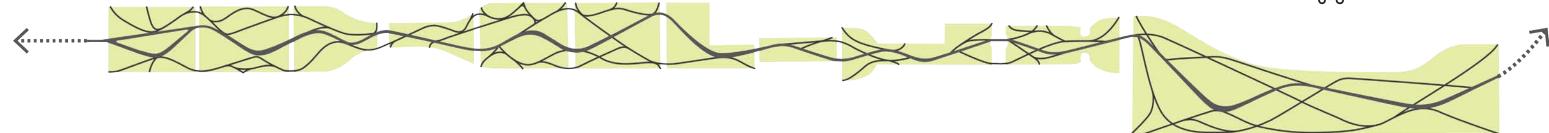




Secondary Trails

- 6'-8' wide concrete or decomposed granite paths
- Pedestrians or bicyclists
- More trails added as programs evolve
- Connecting to neighborhood access points and city-wide trails



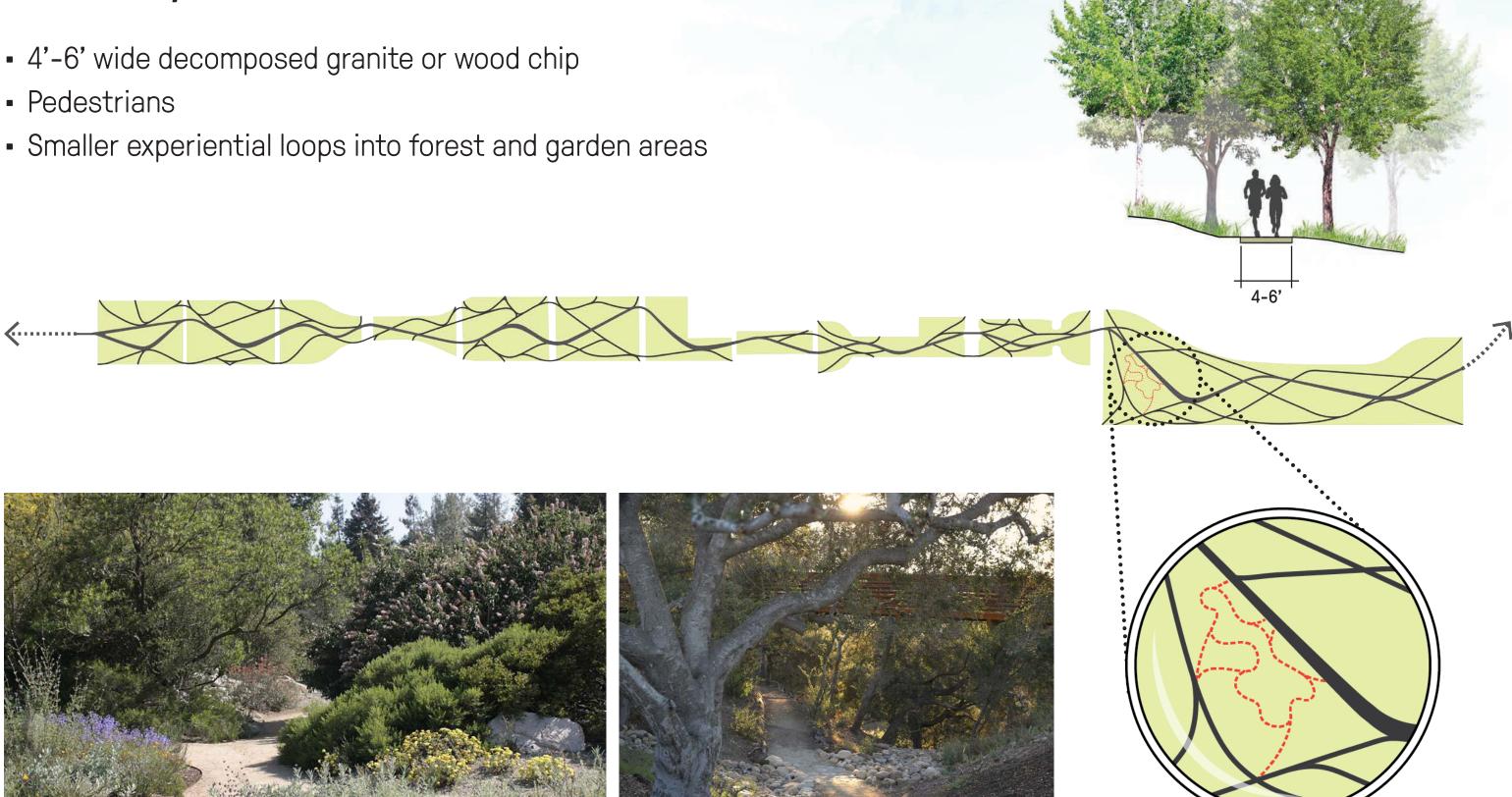








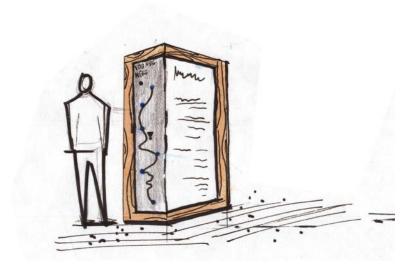
Discovery Paths

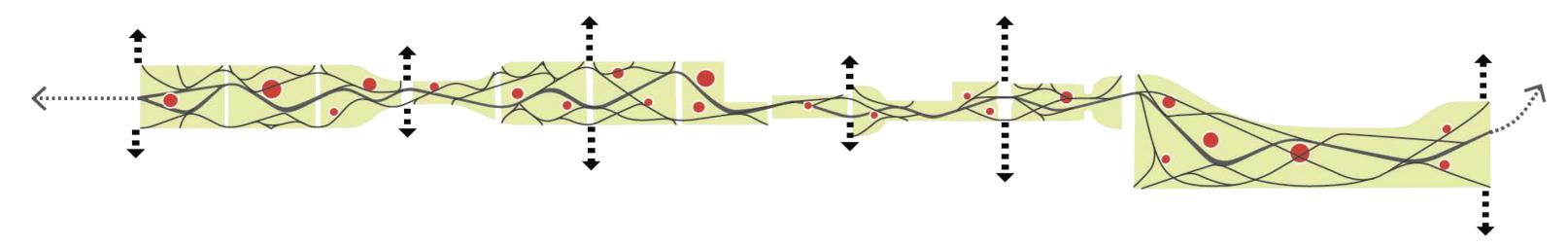


Esencia at RMV by SWA

Signage and Wayfinding

- Entry monumentation / trail heads
- Educational signage connect to heritage of Ontario
- Seasonal programming of banner signs



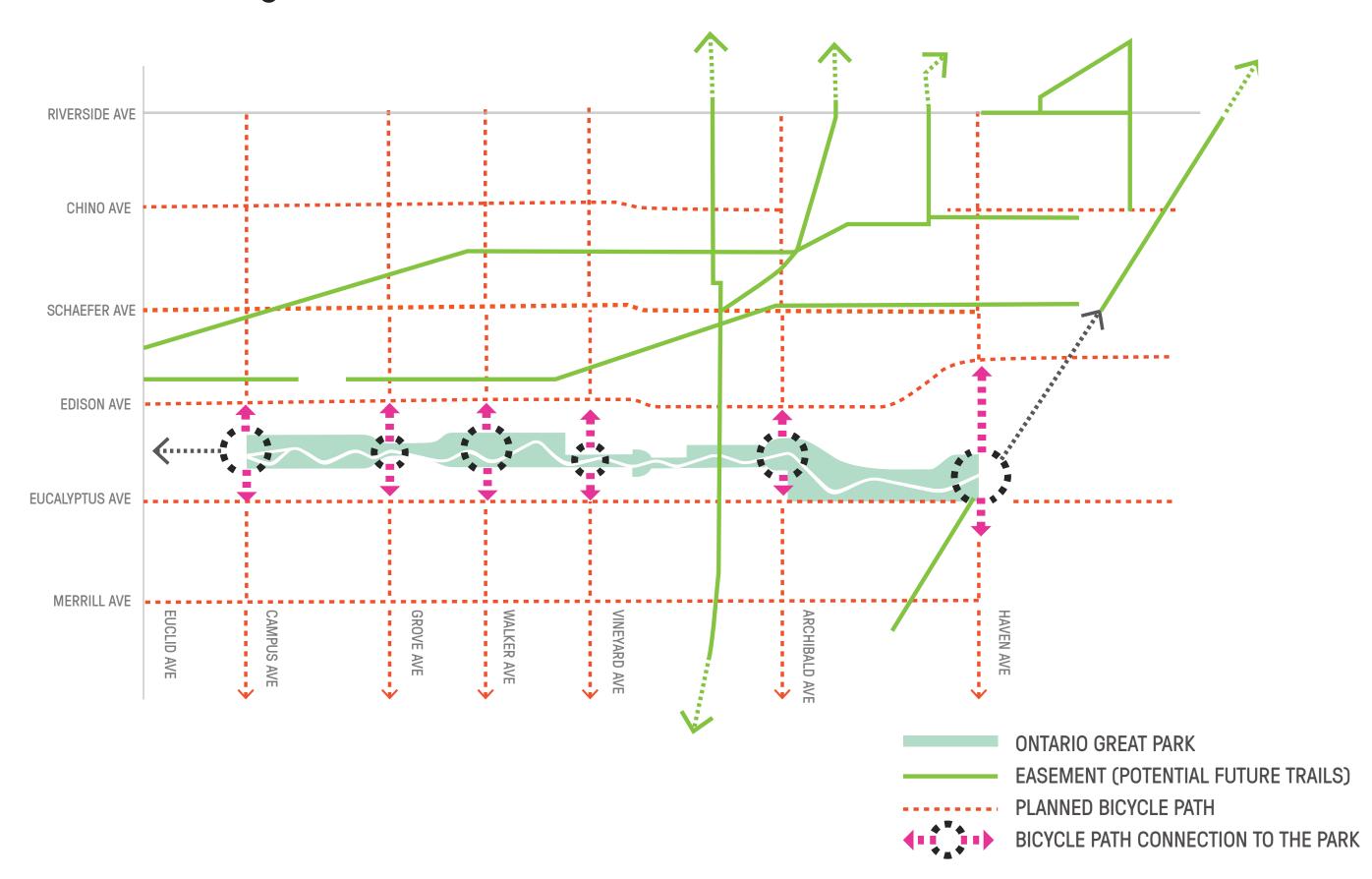




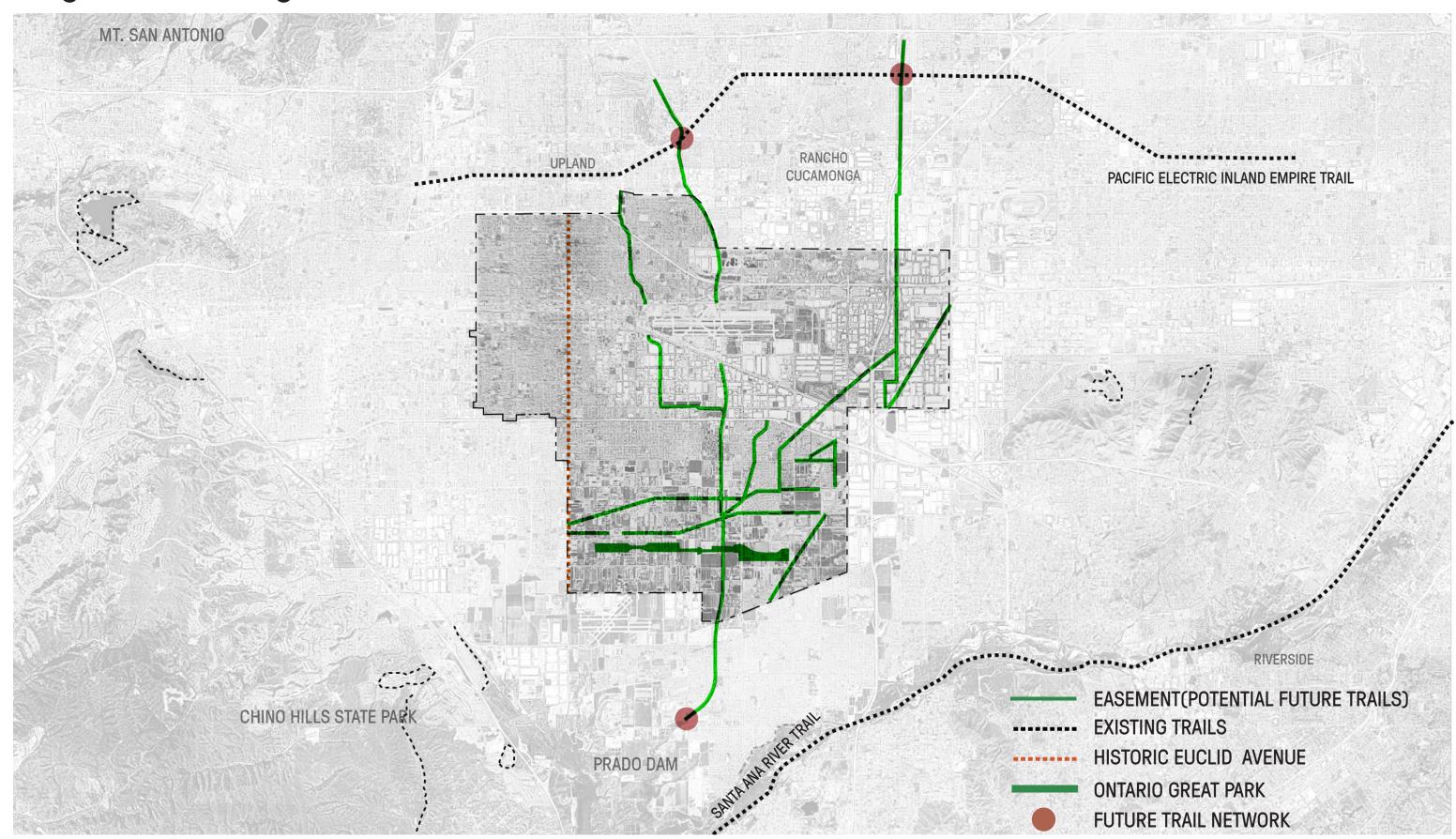




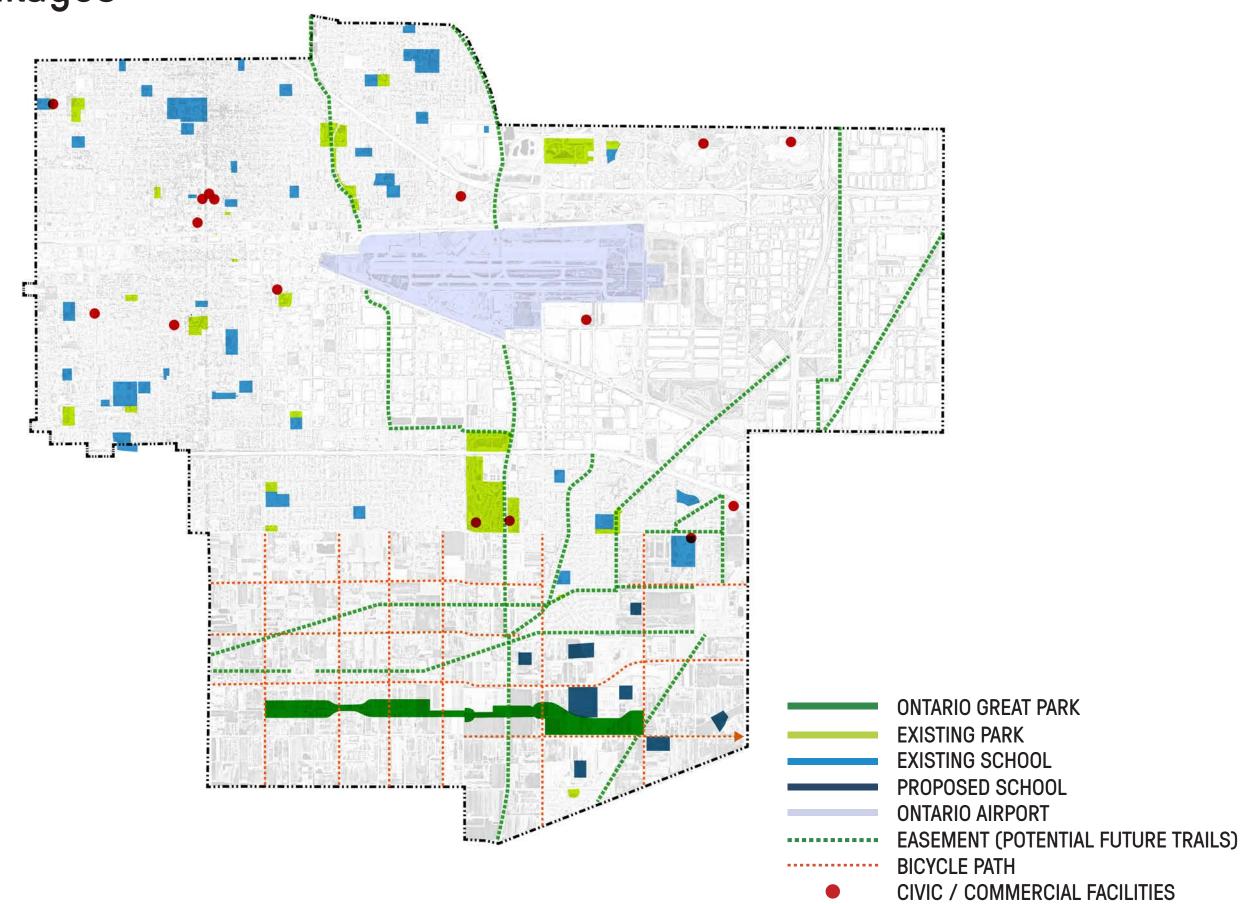
Neighborhood Linkages



Regional Linkages



City-Wide Linkages



Vehicular Access and Park(ing)

Parking lots integrated into park landscape Neighborhood parking along parallel streets Parking garages and lots in mixed-use / commercial zones Vineyard Av **Ontario Ranch Rd Euclid Av Eucalyptus Av**

Pedestrian Crossings

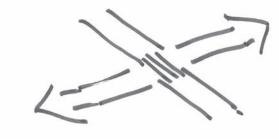
- Safe interface between vehicles and people
- Facilitate easy access between parts of park
- Opportunity for art



Underpass



Overpass



At-Grade Crossing

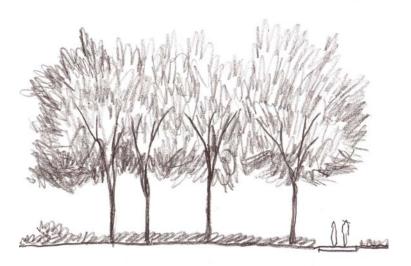


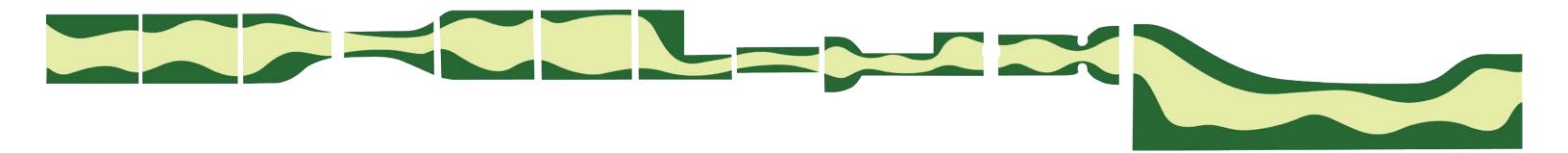




The Tall Canopy Forest

- Defines park edge
- Provides shade and wind protection
- Visually permeable





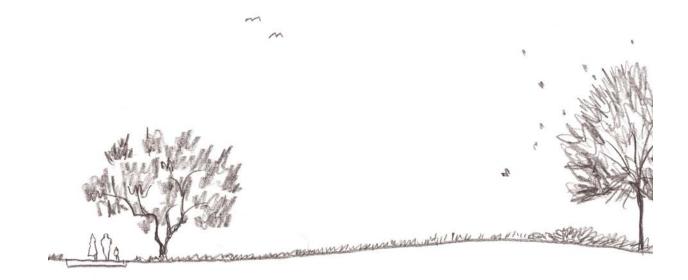


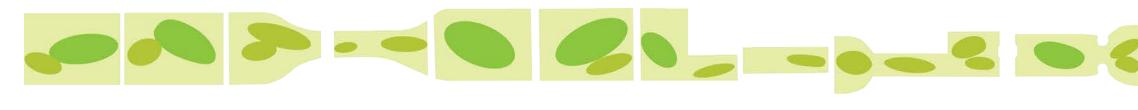




The Meadows

- Passive and active use areas
- Establish with native and drought tolerant plants
- Convert into active use turf as user demand grows







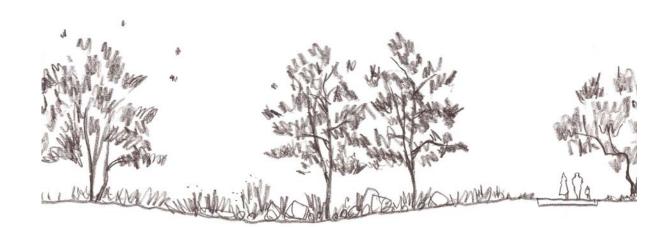


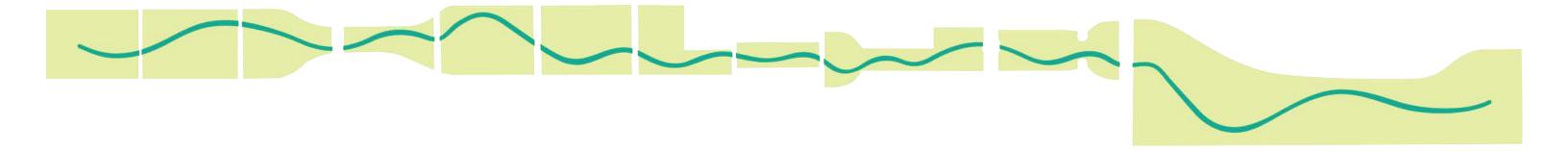




The Arroyo

- Landscaped arroyo follows trail system
- From naturalistic to stylized depending on adjacent programs



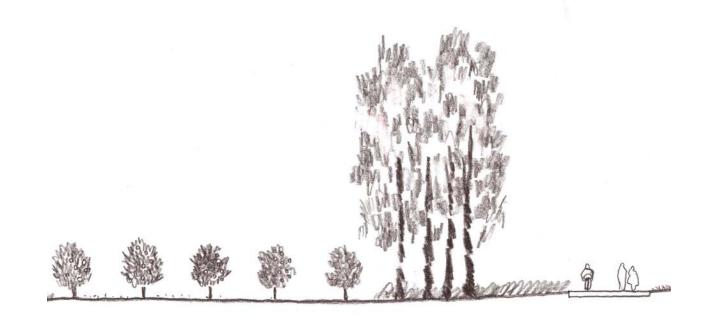


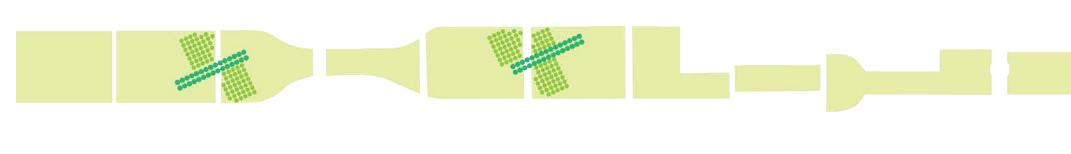




The Orchards and Windrows

- Heritage landscape typology
- Contrasts the naturalistic park framework
- Creates intimate spaces for small-scale programs







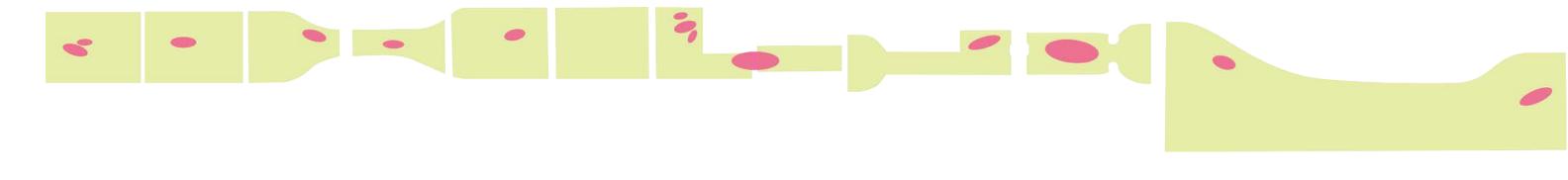




The Park Gardens

- Smaller gardens throughout park
- Native / Pollinator / Educational / Ornamental
- Specific to adjacent land use marries great park to the community



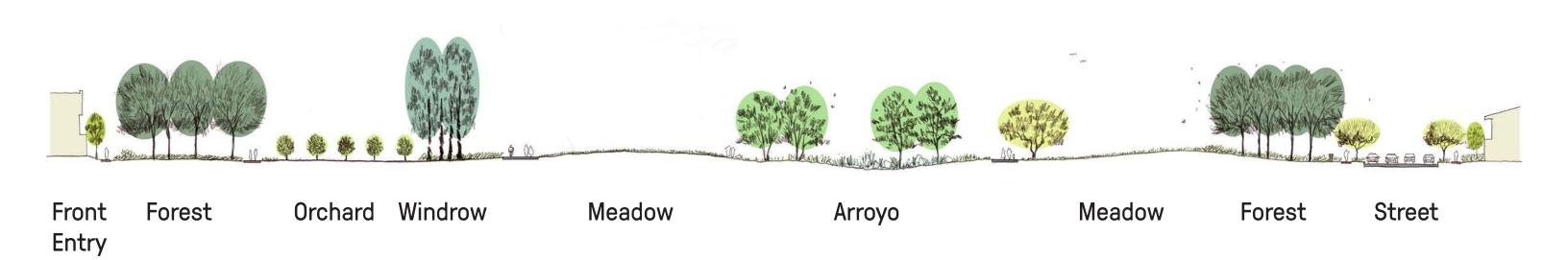




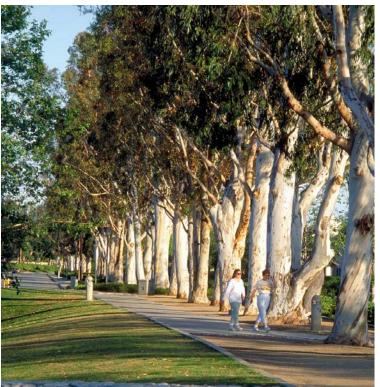




Typical Landscape Cross-Section











Permeable Interface Marries Park and Community

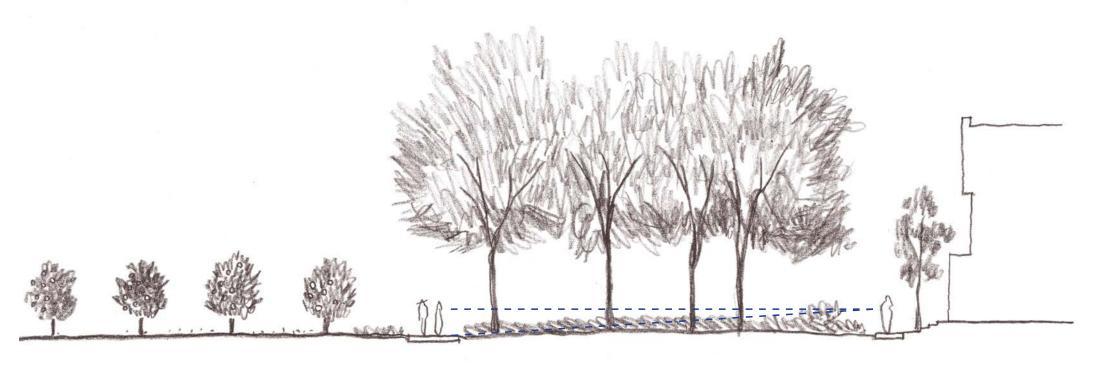
- Physical and visual connections between park and adjacent neighborhoods
- Build walks, not walls
- Eyes on the street / eyes on the park improves safety for all



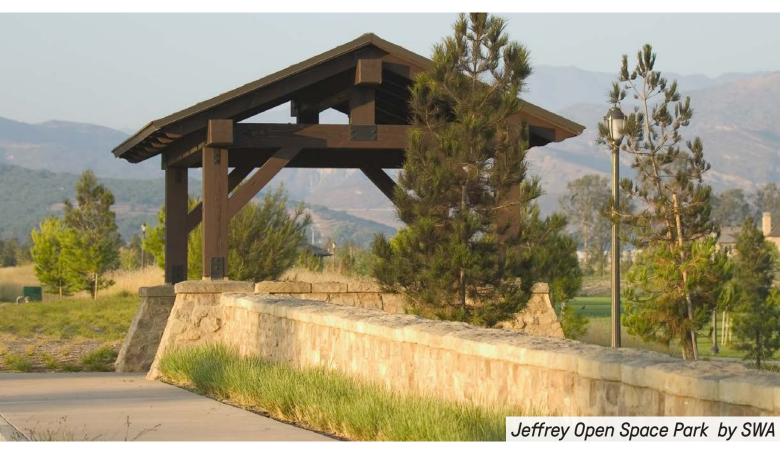
Permeable Neighborhood Interface

- Parking along park edge
- No block walls
- Gateways enhance neighborhood interface





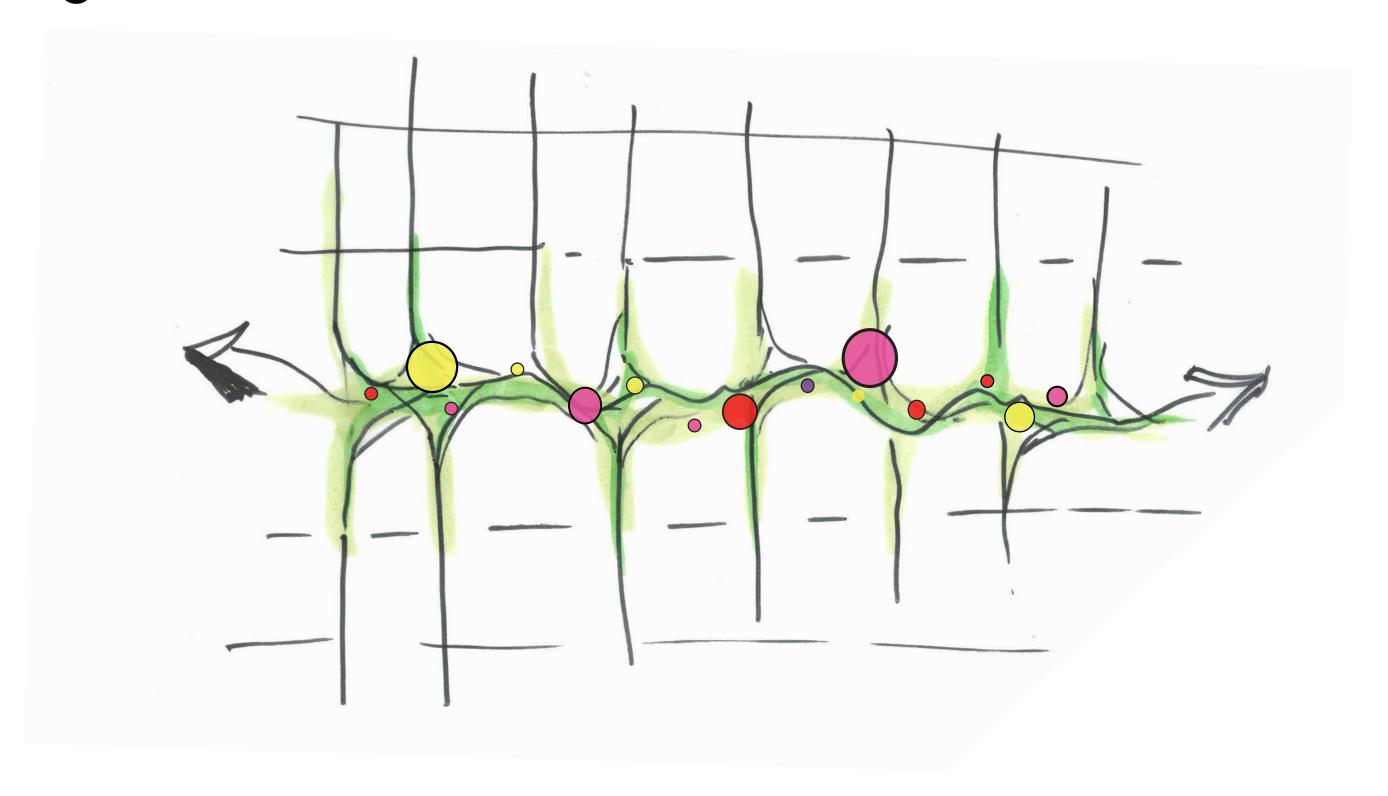
Neighborhood Gateways







Program

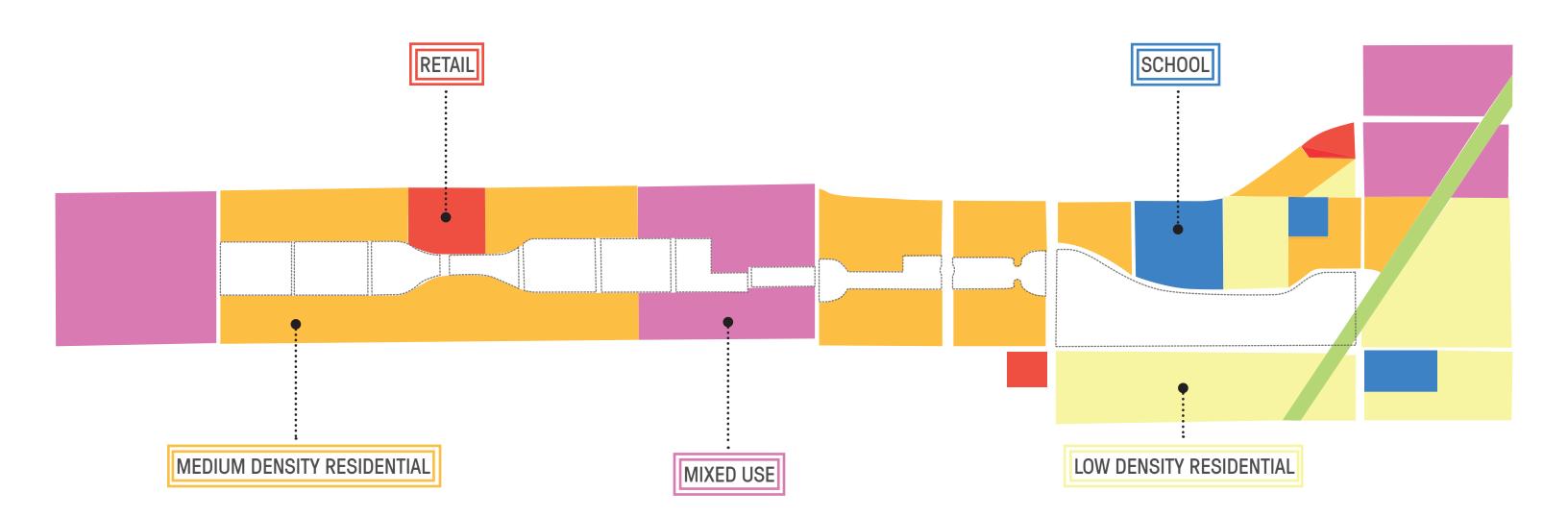


Diverse Programs Drive Flow to the Park

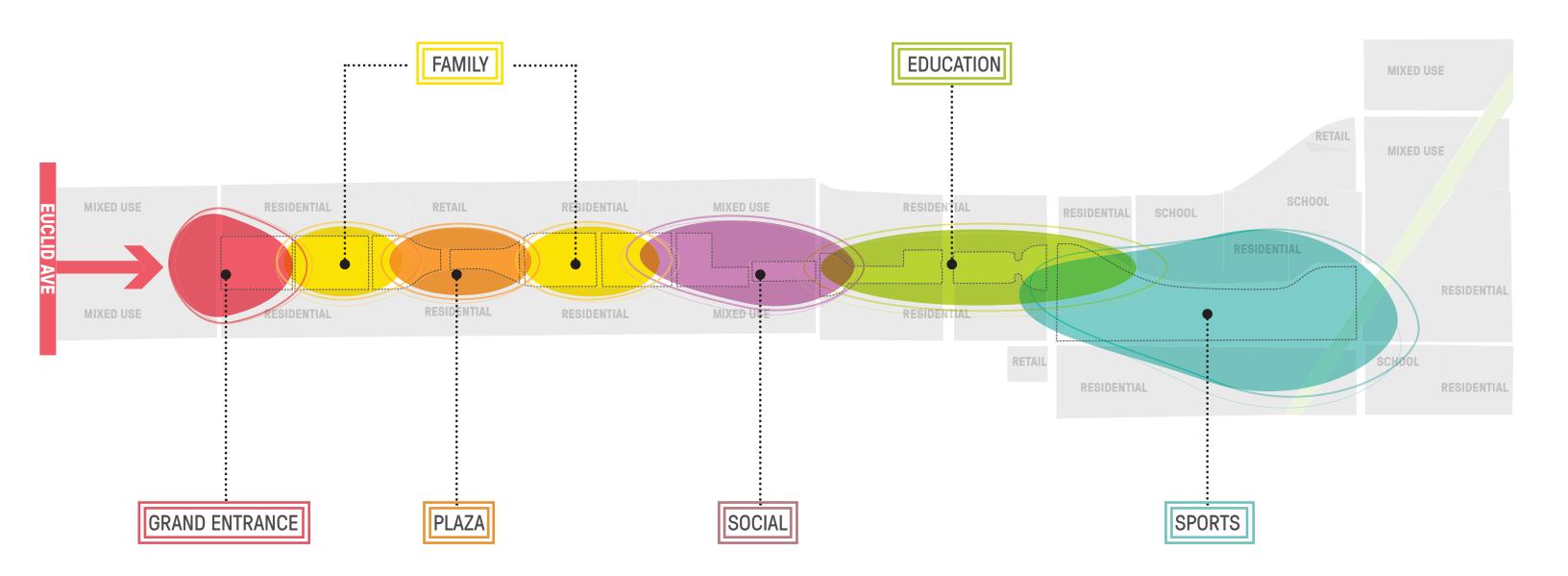
- Locate programs in relation to adjacent uses
- Program offerings grow with park district expansion
- Programs reinforce sense of community

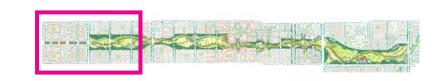


Programming Relates to Adjacent Land Use

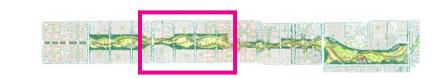


Programming Relates to Adjacent Land Use



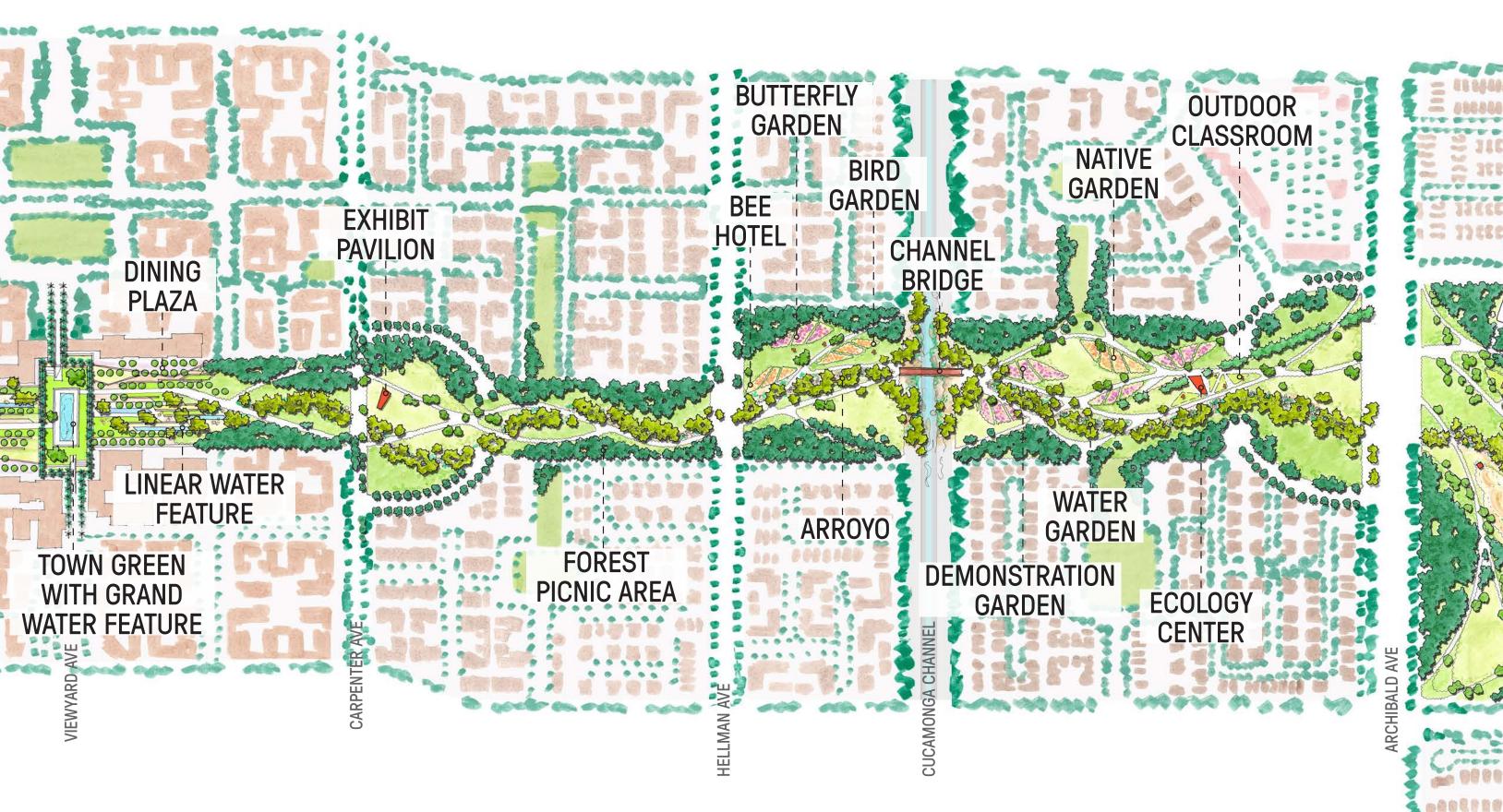




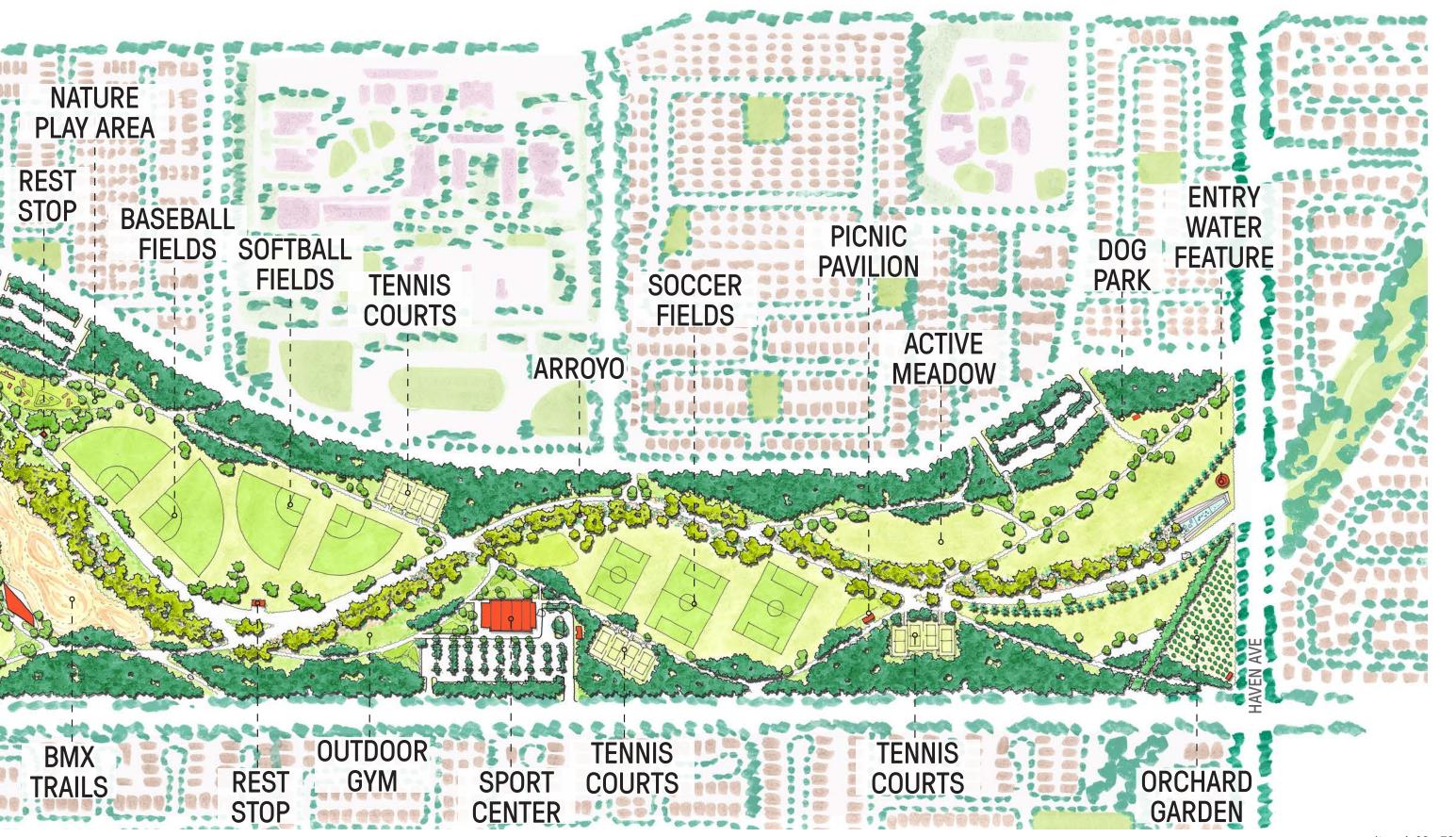












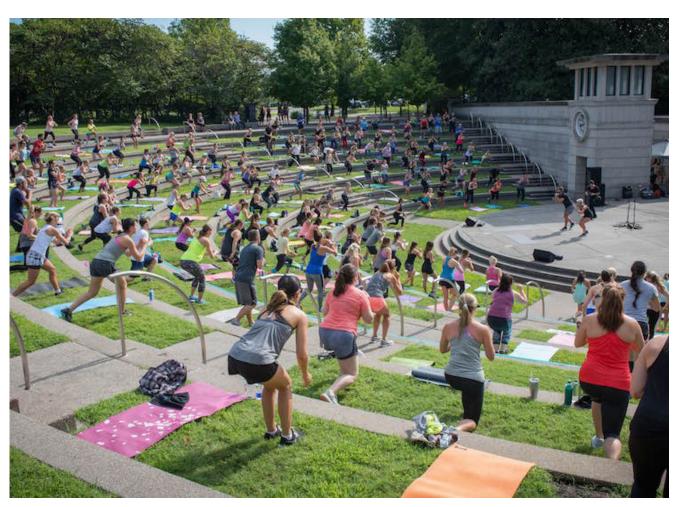
Facilitate Active Lifestyle

- Flexible open spaces
- Social sports and games
- Outdoor group classes
- Dog parks









Athletic Fields

- Range of sports fields
- Indoor sport center
- Outdoor gym
- Bicycle tracks









Offer Educational Opportunities

- Native / pollinator gardens
- Interpretive signage
- Outdoor classroom
- Youth camp









Encourage Play

- Integrate play with topography and landscape
- Thematic playgrounds
- Water play
- Cater to all ages









Celebrate History and Culture

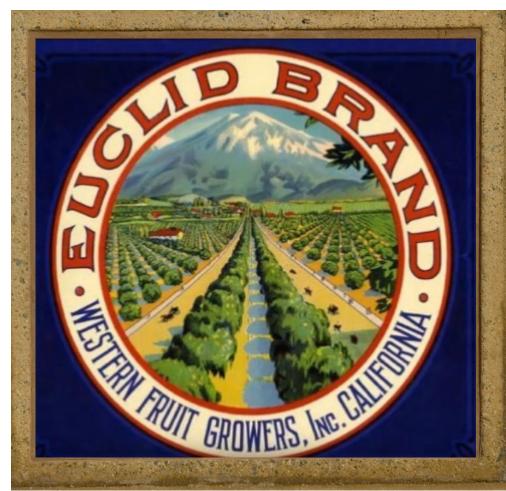
- History trail
- Interpretive signage
- Agriculture-inspired monumentation











Celebrate History and Culture

- Museum
- Landscape installations
- Local artist's exhibits



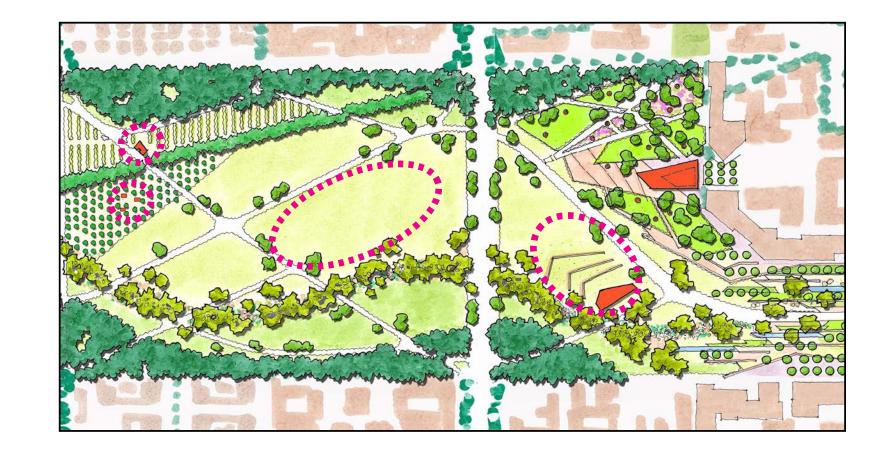






Provide Social Gathering Spaces at Multiple Scales

- Town green
- Retail plaza
- Performance venue
- Picnic pavilions
- BBQ spaces









Highlight Local Food and Drink Experiences

- Farmers market
- Farm to table restaurant
- Food truck area
- Micro brewery / winery
- Pop-up dining



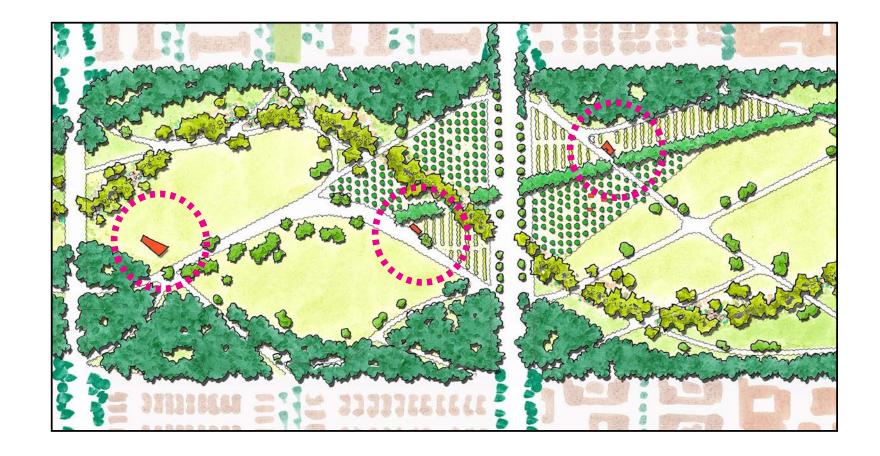






Incorporate Revenue-Generating Programs

- Leasable event space
- Pop-up stores
- Glamping

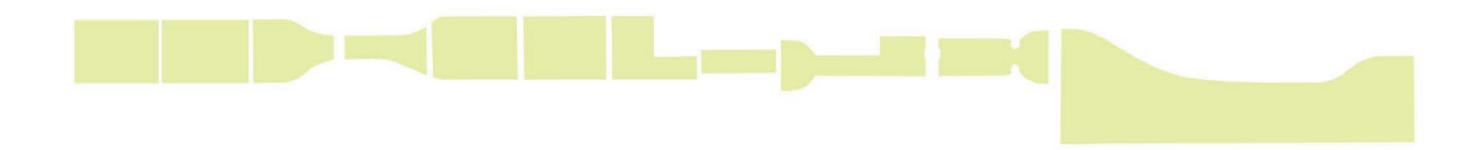


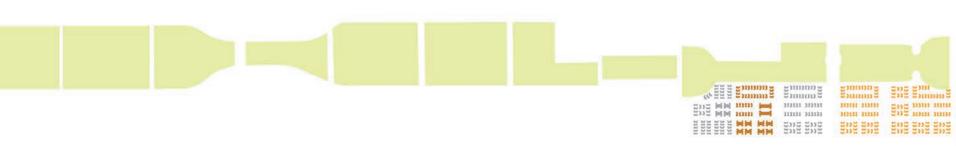


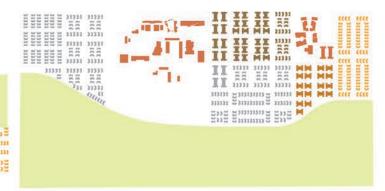


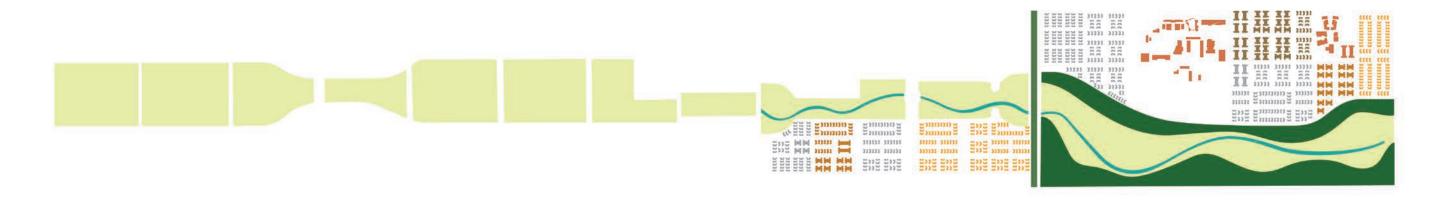


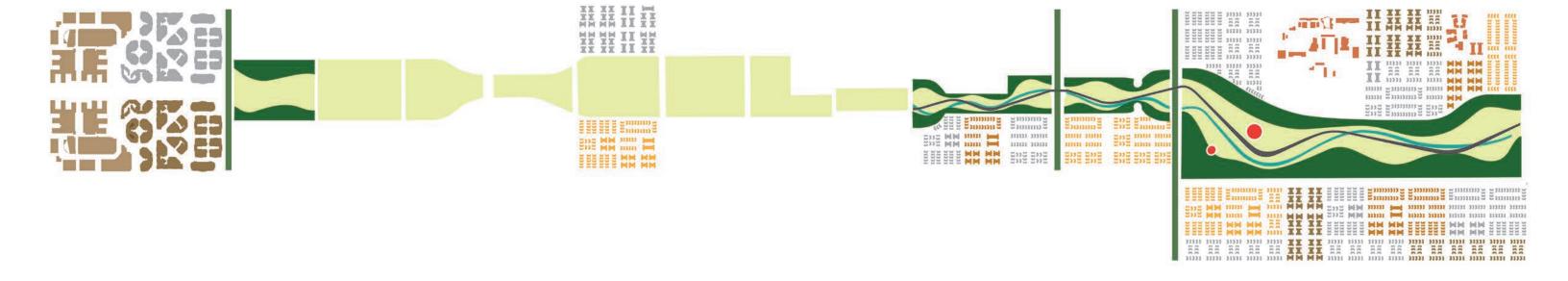


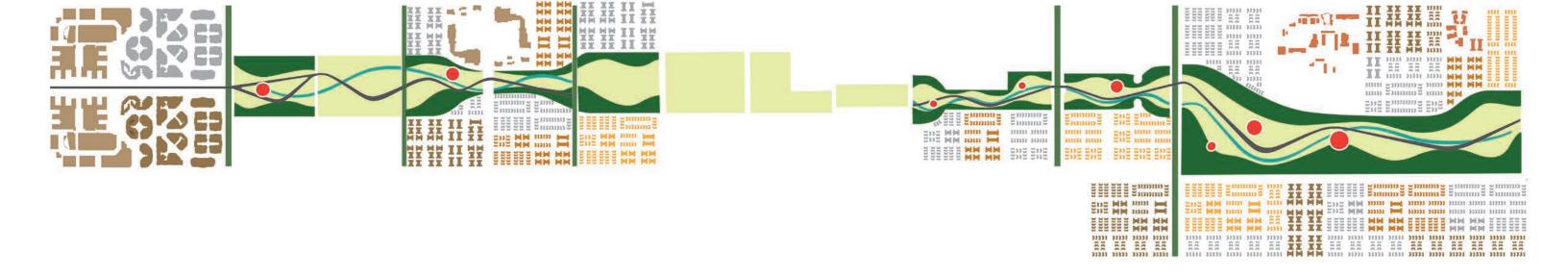


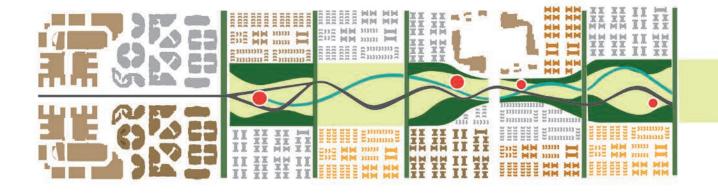


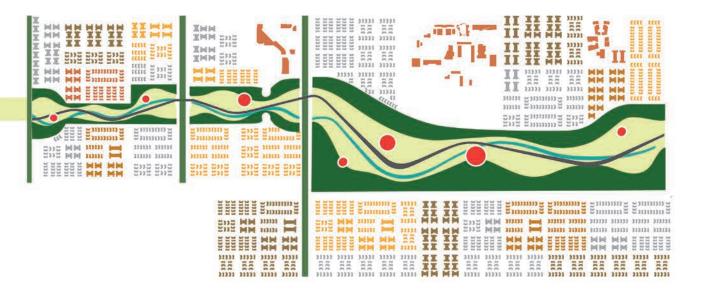


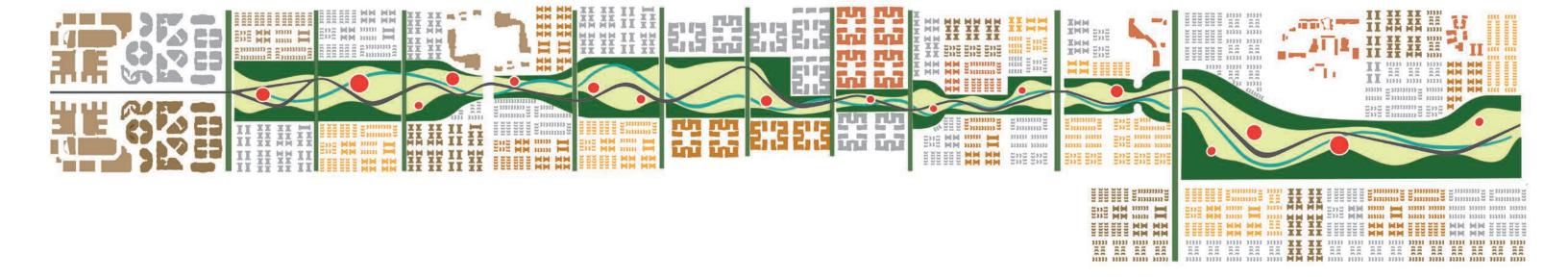


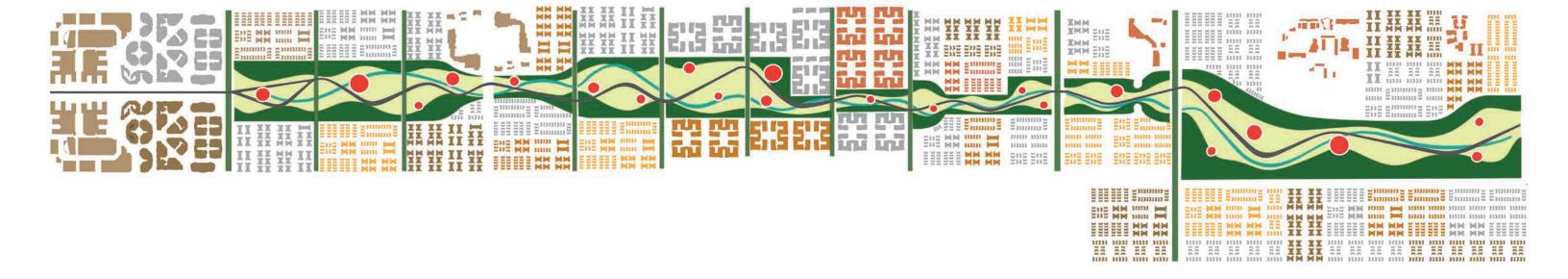






















Picnic Parks in Forest



Playgrounds Integrated with Landscape



Outdoor Fitness Stations



Active Meadows with Gathering Spaces



Garden Discoveries along Trails



Community Gardens as Shared Backyard Item A-02 - 101 of 105

Flexible Market Spaces



Retail and Dining Faces Park



Formalized Arroyo Marries Natural and Urban



A park is a living organism, ever-evolving as its surroundings and its users change.

With a flexible framework celebrating the natural landscape and cultural heritage of Ontario, the Great Park can build a legacy in the present while remaining adaptable to the needs of future generations.



PLANNING COMMISSION STAFF REPORT

November 23, 2021

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

FILE NO: PDA21-004

SUBJECT: A Development Agreement (File No. PDA21-004) between the City of Ontario and LHC Ontario Holdings, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 18916 (File No. PMTT21-011), an 11.05 acre property located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan. **Submitted by LHC Ontario Holdings, LLC. City Council action is required.**

PROPERTY OWNER: LHC Ontario Holdings, LLC., a Delaware limited liability company

RECOMMENDED ACTION: That the Planning Commission consider and recommend the City Council adopt an ordinance approving the Development Agreement (File No. PDA21-004) between the City of Ontario and LHC Ontario Holdings, LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 11.05 acres of land located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan, depicted in Figure 1: Project Location, below.

PROJECT ANALYSIS:

Background — On April 18, 2006, the City (1) Council certified the Environmental Impact Report (State Clearing Housing No. 2004071001) and related Countryside Specific Plan, File No. PSP04-001, (the "Specific Plan"). The Specific Plan addresses the potential development of up to 825 single-family detached residential units with connectivity to surrounding commercial and recreational facilities through a network of sidewalks, pedestrian bicycle trails. and landscaped paseos.

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



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	PZ.L.
Submittal Date:	07/27/21

Hearing Body	Date	Decision	Action	
DAB	N/A	N/A	N/A	
PC	11/23/21		Recommend	
CC	12/21/21		Final	

File No.: PDA21-004 November 23, 2021

assurance that the project may proceed under the existing policies, rules, and regulations, the LHC Ontario Holdings, LLC., ("Owner") has requested that the City enter into negotiations to create a Development Agreement ("Agreement").

In accordance with California Government Code Section 65865, which in part states 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 Agreement (File No. PDA21-004) is based on the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders' 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 Agreement proposes to include 11.05 acres of land within the Neighborhood 7 land use district of the Countryside Specific Plan, as shown on the attached Exhibit A. The Agreement grants the Owner a vested right to develop Tentative Tract Map 18916 (the "Map"), provided the Owner complies with the terms and conditions of the Agreement, Specific Plan, and EIR.

The Map (see attached Exhibit B) is located near the southwest corner of Archibald and Chino Avenues and proposes to subdivide approximately 11.05 acres of land into 36 numbered lots and two lettered common lots.

The term of the Agreement is for 10 years, with a 5-year option to renew. 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, sewer, water, storm drain and fiber); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); and the creation of a Community Facilities District ("CFD") for the maintenance of public facilities.

Staff finds that the 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 Planning Commission finds the 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) <u>City Council Goals</u>.

- 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) <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) <u>Governance</u>.

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.
- ➤ 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:

- <u>Goal H2</u>: 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.
- <u>Goal H5</u>: 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>\$1-1</u> 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:

- <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.
- ➤ <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.

- <u>Goal CD2</u>: 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>CD2-12 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. 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 (36 for the project site, 819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element).

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006. 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—COUNTRYSIDE SPECIFIC PLAN LAND USE PLAN

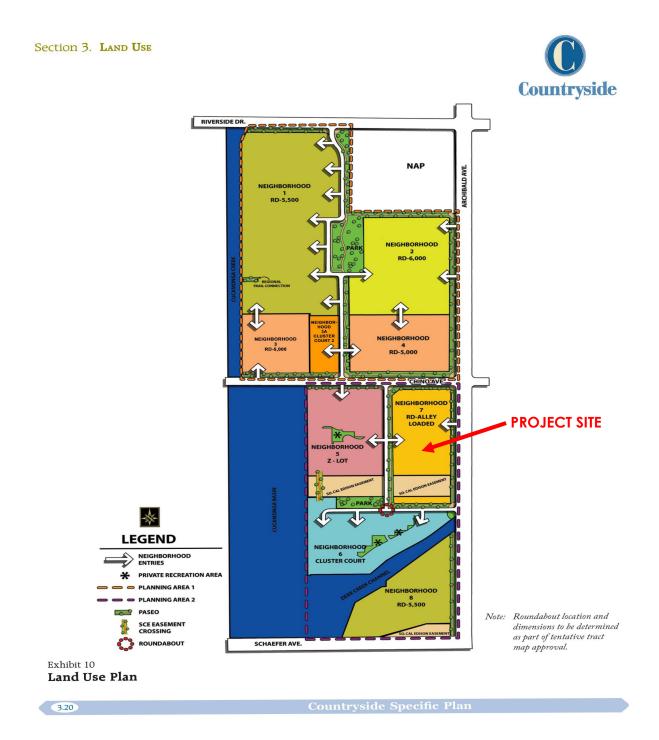
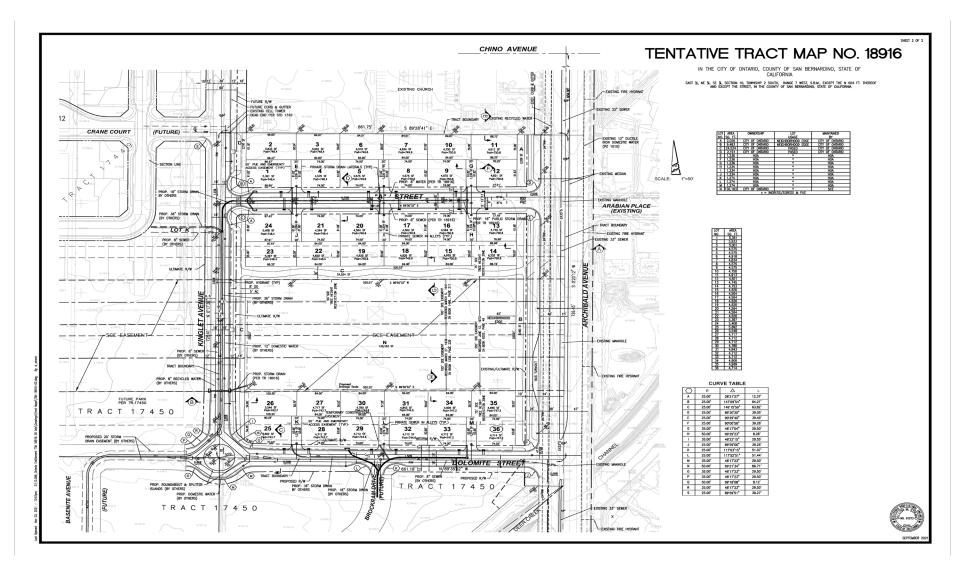


Exhibit B—TENTATIVE TRACT MAP NO. 18916



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA21-004, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND LHC ONTARIO HOLDINGS, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18916 (FILE NO. PMTT21-011), AN 11.05-ACRE PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF ARCHIBALD AND CHINO AVENUES, WITHIN THE NEIGHBORHOOD 7 LAND USE DISTRICT OF THE COUNTRYSIDE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-111-34.

WHEREAS, LHC Ontario Holdings, LLC, ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA21-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 11.05 acres of land generally located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan; and

WHEREAS, the Applicant has submitted a Tentative Tract Map 18916 (File No. PMTT21-011) to subdivide approximately 11.05 acres of land into 36 numbered lots and two lettered common lots; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006 (hereinafter referred to as "Certified EIR"), 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 make recommendations to the City Council on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that

development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on November 23, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<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 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. PSP04-001, the Countryside Specific Plan for which a Certified EIR was adopted by the City Council on April 18, 2006; and
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

- (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 recommending 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 (36 for the project site, 819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element).

Ontario International Airport Land Use Compatibility Plan SECTION 4: ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending 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:

a. The Development Agreement applies to approximately 11.05 acres of land located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan; and

- b. The Development Agreement establishes parameters for the development of the Neighborhood 7 land use district of the Countryside Specific Plan. The Development Agreement also grants the Applicant, 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 Countryside Specific Plan; and
- c. The Development Agreement grants the Owner a vested right to develop Tentative Tract Map 18916 (File No. PMTT21-011) as long as the Owner complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 18916 is located near the southwest corner of Archibald and Chino Avenues, and proposes to subdivide 11.05 acres of land into 36 numbered lots and two lettered common lots; and
- d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and
- e. 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
- f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and
- g. 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 reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006. 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.

<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 RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to each and every condition set forth in the Development Agreement (File No. PDA21-004) 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.

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

Rick Gage Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

Planning Commission Resolution File No. PDA21-004 November 23, 2021 Page 7	
STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO))
City of Ontario, DO HEREBY CERTII	Pro Tempore of the Planning Commission of the FY that foregoing Resolution No was duly Commission of the City of Ontario at their regular by the following roll call vote, to wit:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen Secretary Pro Tempore

ATTACHMENT A:

File No. PDA21-004

DEVELOPMENT AGREEMENT

By and Between

City of Ontario a California municipal corporation

and

LHC Ontario Holdings, LLC a Delaware limited liability company

(Development Agreement to follow this page)

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

CITY OF ONTARIO CITY CLERK / RECORDS MANAGEMENT 303 EAST "B" STREET ONTARIO, CA 91764-4196

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

FILE NO. PDA21-004

DEVELOPMENT AGREEMENT

By and Between

City of Ontario a California municipal corporation

and

LHC Ontario Holdings, LLC a Delaware limited liability corporation

	0000
.	2022

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA21-004

	This D	evelopm	ient Agreement	(hereinafter	"Agreeme	nt") is ent	ered into	effective
as of	the	_day of _		2022 by and	among the	e City of O	ntario, a 0	California
muni	cipal cor	poration	(hereinafter "C	ITY"), and LF	IC Ontario	Holdings	, LLC, a [Delaware
limite	d liability	compai	ny (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 Countryside Specific Plan (State Clearinghouse No. 2004071001 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Countryside 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."

WHEREAS, the property developer/owners are made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit "G"). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T100000004658.

<u>COVENANTS</u>

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

- 1.1 <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 superceded, 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 Map No. 18916 as further described in Exhibit "F" (the "Infrastructure Improvements Exhibit").
- 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 four (4) model units, 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.
- 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 "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.
- 1.1.19 "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.
- 1.1.20 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.
- 1.1.21 "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.
- 1.1.22 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Countryside Specific Plan."
- 1.1.23 "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.
- 1.1.24 "Subsequent Development Approvals" means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.
- 1.1.25 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

- 1.1.26 "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" — Description of Required Infrastructure Improvements

Exhibit "F" — Depiction of Required Infrastructure Improvements Exhibit(s)

Exhibit "G" - Form of Plume Disclosure Letter

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 Right to Assign. 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, et seq.), 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. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit G) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.(b). Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the 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:

Ruben Duran, City Attorney Best Best & Krieger, LLP 2855 E Guasti Road Ontario, CA 91761

If to OWNER:

Craig Cristina
LHC Ontario Holdings, LLC
3161 Michelson, Suite 425
Irvine, CA 92612
ccristina@richlandcommunities.com

With a copy to:

Richland Legal Dept. c/o John Troutman 3161 Michelson, Suite 425 Irvine, CA 92612 jtroutman@richlandinvestments.com

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 <u>Rights to Develop</u>. 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.
- 3.3.1 <u>Infrastructure Improvement Exhibit</u>. Attached hereto as Exhibits "E" and "F" are a description and depiction, respectively, of the Improvements needed for the development of the Property. In the event of any discrepancy between Exhibit E and Exhibit F, Exhibit F shall control.
- 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 depiction of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").
 - 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 four (4) Model Units, private common recreation facilities and sales facilities.

CITY may issue a maximum of four (4) building permits for Model Units, 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</u>, <u>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 Storm Drain facilities as described in Exhibit E and depicted in Exhibit F. OWNER shall be responsible for the construction of the necessary extension of Storm Drain facilities. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the storm drain improvements, as described in Exhibit E and depicted in Exhibit F.
 - 3.7.2 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the street improvements, as described in Exhibit E and depicted in Exhibit F.
 - 3.7.3 OWNER agrees that development of the Property shall require the extension of water and recycled water utility infrastructure as described in Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and recycled water Improvements as described in Exhibit E and depicted in Exhibit F. 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 development of the Property shall require the extension of sewer improvements, at OWNER's sole cost and expense, as described in the attached Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the sewer improvements, as described in Exhibit E and depicted in Exhibit F.

- 3.7.5 OWNER agrees that development of the Property shall require the extension of fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the fiber optic communication improvements, as described in Exhibit E and depicted in Exhibit F.
- 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 <u>Tentative Tract Maps; Extension</u>. 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. Such areas shall either be dedicated to the City or transferred to a homeowners' association. If approved by the City Manager, OWNER may satisfy this requirement through the development of non-public recreation facilities such as private recreational clubhouses or pool facilities. Credit for such private recreational facilities areas shall be limited to a maximum of 50% of the foregoing park development requirement. If OWNER's Project does not provide dedicated and developed park acreage equal to two (2) acres per 1,000 projected population, OWNER shall pay a fee in-lieu equal to the per acre estimated costs of acquisition and development of parkland in the City's Development Impact Fee for the calculated park acreage deficiency. Such in-lieu fee shall be due and payable prior to the issuance of the first building permit for Production Units issued to OWNER. Any park dedication and/or improvements in excess of such two (2) acres per thousand standard, provided such park has been developed in accordance with the City's park standards and is open to the public generally, shall entitle OWNER to a credit toward its obligations under the Quimby Act (Gov. Code, § 64477) and the City's implementing ordinance and/or resolution (collectively "Quimby Act Obligations"), and to the extent OWNER's Quimby Act Obligations are satisfied. OWNER shall be entitled to have the City acquire such developed and publicly available parks as Non-Program Interests in accordance with Section 4.3.3 below.

- 4.3 Responsibility for Construction of Public Improvements.
 - 4.3.1 <u>Timely Construction of Public Infrastructure</u>. The phasing of the areawide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the Subdivision Agreement/Tract Map conditions, all other required Improvements for each Tract Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for production units for each such Tract Map. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract No. 18916.
 - 4.3.2 <u>Construction of DIF Program Infrastructure (Construction Agreement)</u>. 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 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 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. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.
 - 4.3.4 <u>Construction of Public Infrastructure by Third Parties</u>. CITY and OWNER acknowledge that a portion of the Improvements described in Exhibit E and depicted in Exhibit F are necessary for the development of surrounding properties within the Ontario Ranch and the other property owners are also obligated to construct the Improvements or portions thereof. As such, CITY agrees that OWNER's obligation to construct the Improvements may be satisfied by third party owners pursuant to separate written agreements between OWNER and said third party undertaking the construction of the Improvements. Nothing in this Agreement shall be construed to prohibit the coordination of the construction of the Improvements between private parties, including the allocation of costs for the construction of the Improvements. Notwithstanding anything to the contrary

herein, any applicable DIF Credits may be transferred and assigned from one (1) party to another with respect to the construction of the Improvements and such transfer or assignment shall not require the conveyance of any real property.

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 4.3.2.1 through 4.3.2.1. 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 Rehabilitation. 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.
- 4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.3.1 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 Fee". If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars Eighty Five Cents (\$2.85) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars Fifty Cents (\$2.50) 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, Eighty Five Cents (\$2.85) and the Two Dollars Fifty Cents (\$2.50) per square foot amounts shall automatically be increased annually, commencing on July 1, 2022, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA), (December 2017=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 a combination of the following: (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 One Hundred Twelve dollars (\$2,112.00) 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 Fifty Six dollars (\$1,056) 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 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, 2022, 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 (Riverside - San Bernardino - Ontario, CA) (December 2017=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) 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 Fifty Six dollars (\$1,056) 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 (Riverside San Bernardino Ontario, CA) (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2022. 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 Four Cents (\$.64) 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 (Riverside San Bernardino Ontario, CA), (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2022. 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 <u>Assigned Net MDD/Water Availability Equivalents</u>. 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 requires that the City shall not approval a final tract map or issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

- 4.7.2 <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.
- 4.7.3 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.
- 4.7.4 Effectiveness of Agreement. Notwithstanding anything 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, are conditioned upon OWNER's admission to NMC Builders as a "Member" (if not already a Member) thereof pursuant to the terms and conditions of the operating agreement of NMC Builders within 30 days following the Effective Date of this Agreement. OWNER'S failure to maintain membership in NMC Builders LLC is and shall be a Default under this Agreement.

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 4.6 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 <u>Requirement for other Storm Water Improvements</u>. 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 4.9, 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.

5. 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 will initially be \$1,560.77 per Single Family Detached Dwelling Unit, \$1,352.65 per Multiple-Family Dwelling Unit, \$1,134.14 per Gated Apartment Community Dwelling Unit, and \$.29 per square foot for Non-Residential buildings as of the date of this agreement. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year unless otherwise modified by the City. 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. REVIEW FOR COMPLIANCE.

- 6.1 <u>Periodic and Special Reviews</u>.
- 6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.
- 6.1.2 <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.
- 6.4 <u>Certificate of Agreement Compliance</u>. 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 <u>Termination or Modification of Agreement for Default of OWNER</u>. 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 <u>Termination of Agreement for Default of CITY</u>. 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 <u>Third Party Litigation Concerning Agreement</u>. 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 <u>Indemnity</u>. 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 <u>Force Majeure</u>. 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 FILE NO. PDA21-004

"OWNER"

LHC ONTARIO HOLDINGS, LLC,
a Delaware limited liability company

By: Name: John Troutman
Its: Vice President
Date:
"CITY"
CITY OF ONTARIO
By: Scott Ochoa
Scott Ochoa City Manager
Date:
ATTEST:
City Clerk, Ontario
APPROVED AS TO FORM : BEST BEST & KRIEGER, LLP
City Attorney

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, <i>Date</i>	before me, Insert Name and Title of the Officer
personally appeared	
	Name(s) of Signer(s)
is/are subscribed to the within instruit executed the same in his/her/their at	tisfactory evidence to be the person whose name(s) ment and acknowledged to me that he/she/they uthorized capacity, and that by his/her/their signature(s) ne entity upon behalf of which the person(s) acted,
I certify under PENALTY OF PERJU foregoing paragraph is true and corre	RY under the laws of the State of California that the ect.
	WITNESS my hand and official seal.
	SignatureSignature of Notary Public

38

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 CALIFORN COUNTY OF	IA))
On <i>Date</i>	, 20, before me, Insert Name and Title of the Officer
personally appeared	
	Name(s) of Signer(s)
is/are subscribed to the executed the same in h on the instrument the p executed the instrumer	ne basis of satisfactory evidence to be the person whose name(s) within instrument and acknowledged to me that he/she/they nis/her/their authorized capacity, and that by his/her/their signature(sterson(s), or the entity upon behalf of which the person(s) acted, nt. TY OF PERJURY under the laws of the State of California that the
foregoing paragraph is	
	WITNESS my hand and official seal.
	SignatureSignature of Notary Public
Place Notary Se	eal 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 EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 10 IN TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

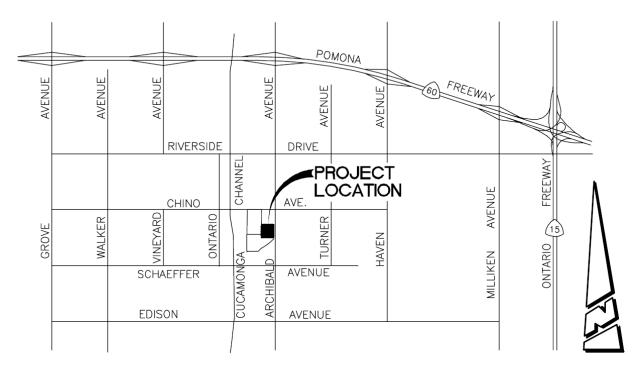
EXCEPTING THEREFROM THE NORTH 604.00 FEET.

ALSO EXCEPTING THE EASTERLY 74.00 FEET AS CONVEYED TO THE CITY OF ONTARIO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA BY DEED RECORDED JANUARY 13, 2014 AS INSTRUMENT NO. <u>2014-0021126</u> OF OFFICIAL RECORDS.

APN: 0218-131-34-0-000

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location



 $\frac{\text{VICINITY MAP}}{\text{Not to Scale}}$

EXHIBIT "C" TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On March 25, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-020 recommending City Council adopt and certify the Countryside Specific Plan Environmental Impact Report (SCH #2004071001).
- b) Issued Resolution No. PC06-021 recommending City Council approval of the Countryside Specific Plan (PSP04-001).

On April 18, 2006, the City Council:

a) Issued Resolution No. 2006-013 certifying the Countryside Specific Plan Environmental Impact Report.

On May 2, 2006, the City Council:

a) Issued Ordinance No. 2828 approving the Countryside Specific Plan (PSP04-001).

EXHIBIT "D" TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

- 1. Countryside Specific Plan (File No. PSP04-001), Ordinance No. 2828
- 2. Countryside Specific Plan Environmental Impact Report (SCH# 2004071001)
- 3. Countryside Specific Plan Amendment (PSPA19-001)
- 4. 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" TO DEVELOPMENT AGREEMENT

Description of Required Infrastructure Improvements

OWNER shall design, construct, and complete the following Street, Sewer, Storm Drain, Potable Water, Recycled Water, and Fiber Optic improvements, prior to OWNER's request for building permits for Production Units.

STREETS (ST)

- a) Full width street improvements on "A" Street, Kinglet Avenue, and Dolomite Street.
- b) Half width street improvements on the west side of Archibald Avenue, from north of "A" Street to south of the Cucamonga Creek Channel.

SEWER (SW)

a) SW improvements along "A" Street, Kinglet Avenue, and Dolomite Street.

STORM DRAIN (SD)

b) SD improvements along "A" Street, Kinglet Avenue, and Dolomite Street.

POTABLE WATER (PT)

a) PT improvements along "A" Street, Kinglet Avenue, and Dolomite Street.

RECYCLED WATER (RW)

a) RW improvements along "A" Street, Kinglet Avenue, and Dolomite Street.

FIBER OPTIC (FO)

a) FO improvements along "A" Street, Kinglet Avenue, Dolomite Street, and Archibald Avenue.

EXHIBIT "F" TO DEVELOPMENT AGREEMENT

Depiction of Required Infrastructure Improvements

SEE ATTACHED

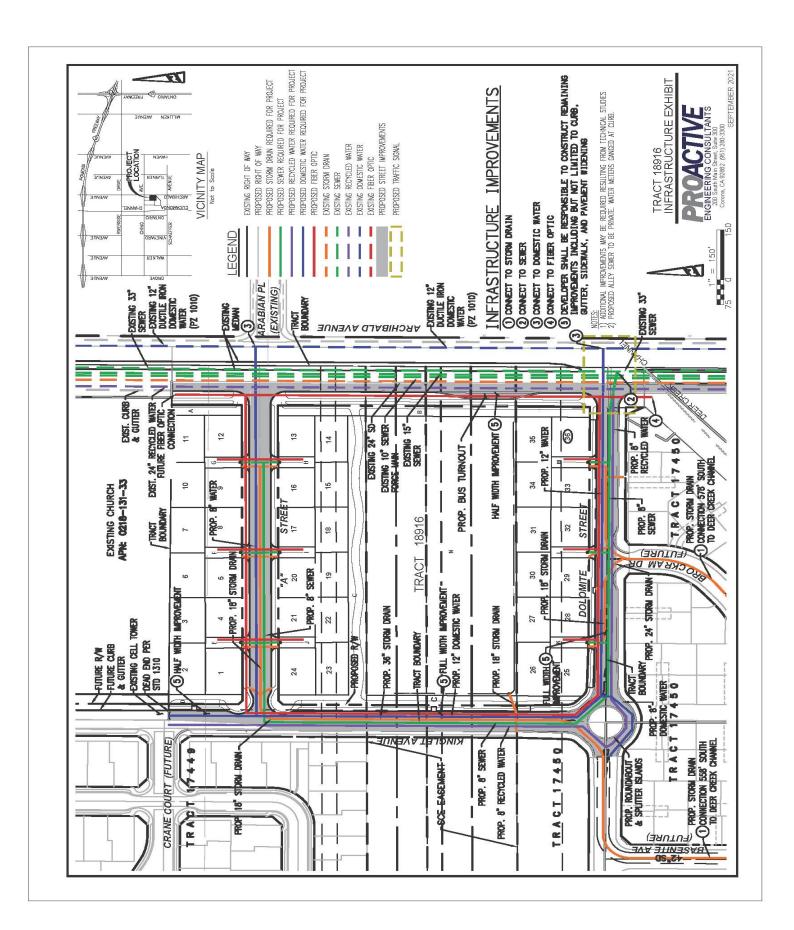


EXHIBIT "G" TO DEVELOPMENT AGREEMENT

Form of Plume Disclosure Letter



PAUL S. LEON MAYOR

DEBRA DORST-PORADA

ALAN D. WAPNER JIM W. BOWMAN RUBEN VALENCIA COUNCIL MEMBERS March 2017

AL C. BOLING

SHEILA MAUTZ

JAMES R. MILHISER TREASURER

SCOTT BURTON UTILITIES GENERAL MANAGER

DISCLOSURE NOTICE SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile report?global id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.

1425 SOUTH BON VIEW · ONTARIO, CALIFORNIA 91761-4406 · (909) 395-2605 · FAX (909) 395-2601



PLANNING COMMISSION STAFF REPORT

November 23, 2021

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

FILE NO: PMTT21-011 (TTM 18916)

SUBJECT: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 numbered lots and two lettered lots to facilitate future residential development, located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan; (APN: 0218-131-34) **submitted by LHC Ontario Holdings, LLC.**

PROPERTY OWNER: LHC Ontario Holdings, LLC.

RECOMMENDED ACTION: That the Planning Commission consider and approve File No. PMTT21-011, Tentative Tract Map 18916, 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 11.05 acres of land located near the southwest corner of Archibald and Chino Avenues and is depicted in Figure 1: Project Location. The property to the north of the Project site is within the Neighborhood 7 land

use district of the Countryside Specific Plan and is vacant. The property to the east is within the LDR-5 (Low-Density Residential - 2.1 to 5.0 du/ac) and UC (Utilities Corridor) zoning districts and is developed with single-family homes and Southern California Edison ("SCE") power transmission lines. The property to the south is within the Neighborhood 6 land use district of the Countryside Specific Plan and is vacant. The property to the west is within the Neighborhood 5 land use district of the Countryside Specific Plan and is vacant. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table



Figure 1: Project Location

Case Planner:	Alexis Vaughn
Planning Director Approval:	PZL
Submittal Date:	June 10, 2021

Hearing Body	Date	Decision	Action
DAB	11/15/21	Approval	Recommend
PC	11/23/21		Final
CC			

November 23, 2021

located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) <u>Background</u> — The Countryside Specific Plan (File No. PSP04-001) was approved and the related Environmental Impact Report ("EIR"; State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006. The Countryside Specific Plan established the land use designations, development standards, and design guidelines on 178 gross acres of land, which included the potential development of 819 dwelling units and approximately 9.4 acres of paseos and parks throughout the Specific Plan area.

In 2010, The Ontario Plan ("TOP") was adopted, which set forth the land use pattern for the City, to achieve its Vision. With the adoption of TOP, a Low-Density Residential land use designation was assigned to the Project site. As the Countryside Specific Plan was established prior to TOP, and as residential density is spread out across the full Specific Plan area, certain neighborhoods may exceed the density thresholds established by TOP. While the proposed Project exceeds TOP's density threshold of five dwelling units per acre (5.7 du/ac net), the site maintains a 3.3 du/ac gross density due to a large unbuildable area. Furthermore, the Specific Plan area maintains approximately 4.6 dwelling units per acre, overall.

On June 10, 2021, the Applicant submitted Tentative Tract Map 18916 (File No. PMTT21-011) to facilitate subdivision of the subject site to accommodate future residential development.

On November 15, 2021, the Development Advisory Board reviewed the item and recommended the Planning Commission approve the Project, subject to the conditions of approval included with the resolution provided with this report.

(2) <u>Site Design/Building Layout</u> — The Applicant is proposing to subdivide the 11.05-acre site into 36 numbered lots and two lettered lots for common area (see Exhibit B - Tract Map). The Tract Map will establish lots ranging in size from 4,564 square feet to 5,833 square feet, with an average lot width of 74 feet and average lot depth of 55 feet, consistent with the minimum development standards established for the Neighborhood 7 land use district, which includes both row-town and cluster products.

The Applicant has proposed the subdivision in order to facilitate a future Development Plan application to construct 36 single-family homes and associated minor recreational facility. A conceptual site plan has been provided, attached to this document as Exhibit C—Conceptual Site Plan. The dwellings will be sited in four-pack clusters and dwellings located along the streets have been conditioned to face the street, while dwellings interior to the cluster will be provided with front entryways along the drive aisle. A minor recreational facility will be located central to the tract, in the form of an enhanced

November 23, 2021

walking paseo. Equipment and design features will also be reviewed as part of the Development Plan process.

The development of the project site is burdened with an unbuildable three-acre easement (Southern California Edison, or "SCE") bisects the project area and eliminates approximately a quarter of the project site. The easement area will be maintained in place by SCE and cannot be developed with alternate uses.

(3) <u>Site Access/Circulation</u> — Primary access to the site will be provided from a new proposed public street ("A Street") and an approved but unbuilt public street (Dolomite Street), which intersect with Archibald Avenue. Private alleys serving the cluster units will be accessed from the internal tract streets.

The Countryside Specific Plan was designed to accommodate pedestrian circulation in the form of a network of walking paseos (see Exhibit D – Countryside Specific Plan – Paseo Network). The paseos will connect residences north to Riverside Drive through the existing housing tracts and south to Schaefer Avenue through future residential tracts.

(4) <u>Parking, Architecture, Landscaping, and Signage</u> — Parking, architecture, landscaping, and signage will be reviewed as part of the future Development Plan process for the project site. The project has been conditioned to meet all applicable Countryside Specific Plan and Ontario Development Code requirements when plans for development of the site are submitted. The applicant has submitted a conceptual Development Plan to show that development is feasible; however, the conceptual products are not a part of the Tract Map review.

TOP Policy Plan (Policy PR1-6) requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 0.27-acre park to meet the minimum Policy Plan requirement. While the ultimate park design, including but not limited to planting palette, play or recreation equipment and other amenities, will be reviewed as part of the future Development Plan process, the Tract Map has established space for a 0.56-acre recreational area, which exceeds the maximum requirement. The proposed parkland will primarily be provided through a 30-foot-wide linear park/community paseo, which extends west-to-east through the middle of the community, adjacent to the northern edge of the SCE easement. The primary paseo will connect to an 18-foot-wide secondary paseo which will run along the westerly edge of the project site (at Kinglet Avenue), and to a 45-foot landscaped neighborhood edge with walking trail along Archibald Avenue.

(5) <u>Utilities (drainage, sewer)</u> — All major backbone improvements and interior site improvements will be constructed in congruence with the related Tract Map. The Applicant will also obtain an encroachment permit to conduct work within the public rights-of-way. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures

that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration.

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

(1) <u>City Council Goals</u>.

- 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) <u>Governance</u>.

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:

• <u>Goal LU1</u>: 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>LU1-3 Adequate Capacity</u>. We required adequate infrastructure and services for all development.
- ➤ <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>LU2-1 Land Use Decisions</u>: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.
- ➤ <u>LU2-6 Infrastructure Community</u>: We require infrastructure to be aesthetically pleasing and in context with the community character.
- ➤ <u>LU2-9 Methane Gas Sites</u>: We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.
- Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
- ➤ <u>LU3-3 Land Use Flexibility</u>: We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity notes, and helps create identity.

Housing Element:

- <u>Goal H2</u>: 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.

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- <u>Goal H3</u>: A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process and the provision of an adequate supply and prices of housing.
- ➤ <u>H3-2 Flexible Standards</u>. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.
- ➤ <u>H3-3 Development Review</u>. We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facility quality housing development.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

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>\$1-1</u> 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.
- > <u>\$1-2 Entitlement and Permitting Process.</u> We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

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.
- <u>Goal CD2</u>: 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; and
- 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

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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>CD2-6 Connectivity</u>. We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent "islands" through the following means:
- Local street patterns that provide access between subdivisions and within neighborhoods and discourage through traffic;
- A local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials; and
- Neighborhoods, centers, public schools, and parks that are linked by pedestrian greenways/open space networks. These may also be used to establish clear boundaries between distinct neighborhoods and/or centers;
- ➤ <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.
- <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.
- ightharpoonup CD3-6 Landscaping. 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.

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 (37 for the project site,

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819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element) specified in the Available Land Inventory.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006. 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.

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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	Low Density (2.1-5 du/ac) Open Space – Non Recreation Open Space - Recreation	Countryside Specific Plan	Neighborhood 7
North	Vacant	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 7
South	Vacant	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 6
East	Single-family residential and SCE Power Line Corridor	Low Density (2.1-5 du/ac) Open Space – Non Recreation) LDR-5 (Low-Density Residential) N/A UC (Utilities Corridor)	
West	Vacant	Low Density (2.1-5 du/ac) Open Space – Non Recreation	Countryside Specific Plan	Neighborhood 5

General Site & Building Statistics

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Project area (in acres):	N/A	11.05 acres	N/A
Maximum project density (dwelling units/ac):	9.25 du/ac (net)	5.7 du/ac (net)	Y
Maximum coverage (in %):	4 du/cluster	4 du/cluster	Y
Minimum lot size (in SF):	2,000 SF	4,564 to 5,833 SF	Υ
Minimum lot depth (in FT):	54 FT	54 – 61 FT	Υ
Minimum lot width (in FT):	53 FT interior, 60 FT corner	74 – 100 FT	Υ
Front yard setback (in FT):	10 FT first story, 15 FT second story – at street	N/A	N/A
	4 FT first story, 9 FT second story – at private drive aisle		
Side yard setback (in FT):	10 FT at street	N/A	N/A
	4 FT interior		
Rear yard setback (in FT):	10 FT	N/A	N/A
Maximum height (in FT):	35 FT	N/A	N/A
Parking – resident:	2 garage spaces per unit	N/A	N/A
Open space – private:	150 SF with 10 FT minimum dimension per unit	N/A	N/A
Open space – common:	0.27 AC	0.65 AC	Υ

Exhibit A—PROJECT LOCATION MAPS

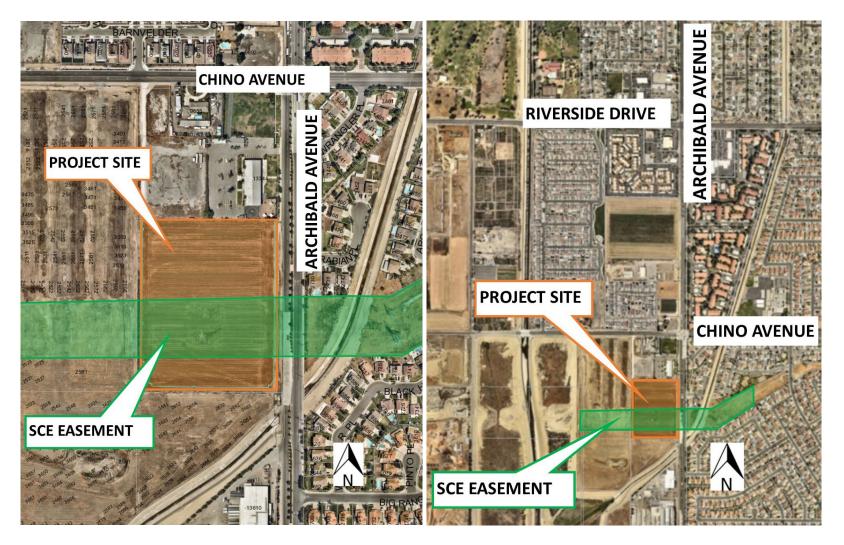


Exhibit B—TRACT MAP

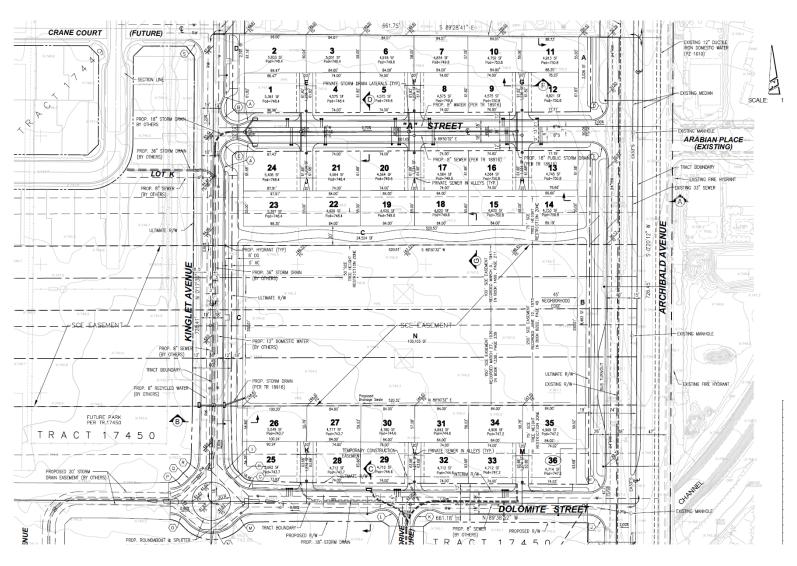
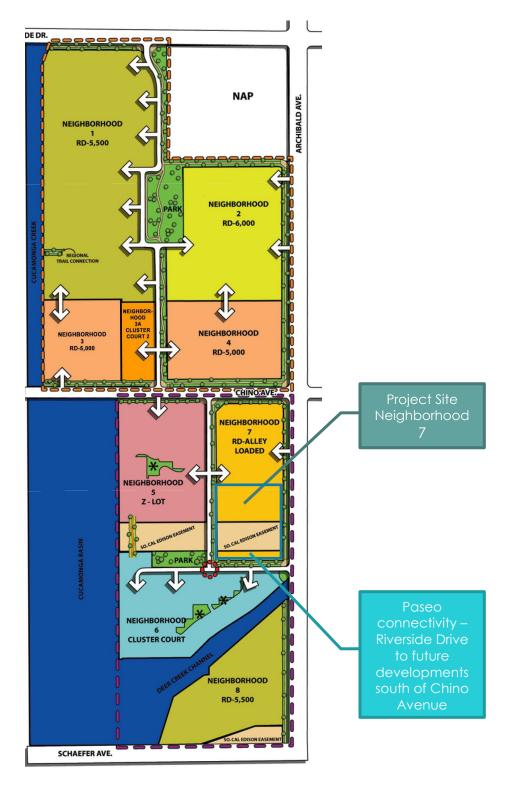


Exhibit C—CONCEPTUAL SITE PLAN



Exhibit D—COUNTRYSIDE SPECIFIC PLAN – PASEO NETWORK



RESOLUTION NO.

A TENTATIVE TRACT MAP (TTM 18916) TO SUBDIVIDE 11.05 ACRES OF LAND INTO 36 NUMBERED LOTS AND TWO LETTERED LOTS TO FACILITATE FUTURE RESIDENTIAL DEVELOPMENT, LOCATED NEAR THE SOUTHWEST CORNER OF ARCHIBALD AND CHINO AVENUES, WITHIN THE NEIGHBORHOOD 7 LAND USE DISTRICT OF THE COUNTRYSIDE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-131-34.

WHEREAS, LHC ONTARIO HOLDINGS, LLC ("Applicant") has filed an Application for the approval of Tentative Tract Map 18916, File No. PMTT21-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 11.05 acres of land generally located near the southwest corner of Archibald and Chino Avenues, within the Neighborhood 7 land use district of the Countryside Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Neighborhood 7 land use district of the Countryside Specific Plan and is vacant. The property to the east is within the LDR-5 (Low-Density Residential – 2.1 to 5.0 du/ac) and UC (Utilities Corridor) zoning districts and is developed with single-family homes and Southern California Edison ("SCE") power transmission lines. The property to the south is within the Neighborhood 6 land use district of the Countryside Specific Plan and is vacant. The property to the west is within the Neighborhood 5 land use district of the Countryside Specific Plan and is vacant; and

WHEREAS, the Tentative Tract Map will facilitate future development for singlefamily residential homes and associated recreation facilities through the Development Plan process; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was certified by the City Council on April 18, 2006, 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 ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 15, 2021, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB21-055, recommending the Planning Commission approve the Application; and

WHEREAS, on November 23, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<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. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was adopted by the City Council on April 18, 2006; and
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The previous Certified EIR reflects the independent judgment of the City Council; 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 (36 for the project site, 819 specified in the Housing Element) and density (5.7 du/ac net for the project site; 5-9 du/ac specified in the Housing Element) specified in the Available Land Inventory.

Ontario International Airport Land Use Compatibility Plan SECTION 4: ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seg.) 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, 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, 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 Low Density (2.1-5 du/ac), Open Space Non-Recreational and Open Space Recreational land use districts of the Policy Plan Land Use Map, and the Neighborhood 7 land use district of the Countryside 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 Low Density (2.1-5 du/ac), Open Space Non-Recreational and Open Space Recreational land use districts of the Policy Plan Land Use Map, and the Neighborhood 7 land use district of the Countryside 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 the Neighborhood 7 land use district of the Countryside 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 of development proposed. The project site is proposed for residential development at a density of 5.7 DUs/acre net. The project site meets the minimum lot area and dimensions of the Neighborhood 7 land use district of the Countryside Specific Plan and is physically suitable for this proposed density.
- (5) The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.
- (6) The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems. The design of the proposed subdivision, and the residential improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the Project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision. The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

<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.

.

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

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon Planning Director and Secretary to the Planning Commission

Planning Commission Resolution File No. PMTT21-011 (TTM 18916) November 23, 2021 Page 9	
STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO)))
City of Ontario, DO HEREBY CERTIF	Pro Tempore of the Planning Commission of the TY that foregoing Resolution No was duly Commission of the City of Ontario at their regular y the following roll call vote, to wit:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Gwen Berendsen
	Secretary Pro Tempore

ATTACHMENT A:

File No. PMTT21-011 (TTM 18916) Departmental Conditions of Approval

(Departmental conditions of approval to follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 10/26/2021

File No: PMTT21-011 (TTM18916)

Related Files: N/A

Project Description: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 numbered lots and two lettered lots to facilitate future residential development, located near the southwest corner of Archibald and Chino Avenues, within Neighborhood 7 of the Countryside Specific Plan; (APN: 0218-131-34); **submitted by LHC Ontario Holdings, LLC.**

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) 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) Development of the Project site shall be subject to review and approval of a Development Plan.
- **(b)** All lots shall have a minimum area of 2,862 square feet for interior lots and 3,240 square feet for corner lots, with a minimum depth of 54 feet and minimum width of 53 feet for interior lots and 60 feet for corner lots.

- (c) The Final Tract Map shall be in conformance with the approved Tentative Tract 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 Map may require review and approval by the Planning Commission, as determined by the Planning Director.
- **(d)** Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.
- **(e)** 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.
- (f) 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>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.

2.4 <u>Landscaping and Open Space</u>.

- (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)** The small lot single-family subdivision shall devote a minimum of 20 percent of the project area to open space (private and common area), to be calculated with the future Development Plan. Private space shall consist of a minimum of 450 SF of contiguous private open space accessible to the ground floor, with a minimum horizontal dimension of 15 FT.
- (f) The City requires park space to be provided at a rate of two acres per 1,000 residents (or payment of an in-lieu fee). The requirement for this site would be: 36 dwelling units at a rate established by Council of 3.806 for single-family/less than 25 du/ac (multiplied by 0.002) which equates to 0.274 acres required. The Developer(s) shall work with the Community Development Agency to execute the appropriate procedure for in-lieu fees.
- **(g)** Final park equipment, design, and provisions will be reviewed as part of the Development Plan process.
- **(h)** The Development Plan shall provide a schematic plan, which includes the following open space information:
 - (1) Identifies the "private" and "common" open space areas;
 - (2) Specifies "active" and "passive" common areas;
- (3) Active open space areas shall be located a minimum of 10 FT from any habitable structure, and a minimum contiguous area of 300 SF, with no horizontal dimension less than 15 FT;
- Passive open space areas shall be located a minimum of 5 FT from the habitable portion of any dwelling, and shall have a minimum dimension of 5 FT; however, not more than 50 percent of passive areas having a dimension less than 10 FT may be counted toward the minimum open space requirement;
- (5) Include a table specifying the "private" and "common" open space area (in SF) provided by dwelling type, and for the total project.
- (i) The entirety of a cluster single-family or multiple-family project site, including street parkway and median areas that abut the project site, which is not otherwise devoted to building area and paving, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be continuously maintained.
- **2.5** <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) and the Countryside Specific Plan. Project walls and fences shall be reviewed and approved under separate permit(s).
- (a) The future Development Plan will be required to provide a 6-FT high decorative masonry block wall, with a decorative cap, at the following locations:

- (i) Along the perimeter of all new residential developments, including all interior side and rear project boundaries, and street frontages without front-on units.
- (ii) Along all street side and interior side yard property lines, and connecting between dwellings, with appropriate gates for rear yard access. (Note: Walls shall be maximum 3 FT in height when located within the front yard setback.)
 - (iii) Along all rear property lines.
- (iv) The future Development Plan must coordinate walls with incoming adjacent tracts.
- **(b)** Long expanses of fence or wall (50 FT or more in length) adjacent to a public right-of-way shall have offset areas (decorative pilasters or a jog in the wall) along its length, and shall be architecturally designed to prevent monotony.
- **(c)** The height of a wall or fence shall be measured on the exterior side, at the highest point of the natural ground or finished grade at the base of the fence or wall, to the top of the fence or wall above the same base point.
- **(d)** Development plans and construction drawings shall indicate materials, colors, and height of proposed and existing walls/fences, and shall include a cross-section of walls/fences indicating adjacent grades. Walls shall be designed as an integral part of the architecture for the development.
- **(e)** The required acoustical study may require additional wall height for the project site for sound attenuation.

2.6 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).
- **(g)** The future Development Plan shall provide a parking exhibit and accompanying table which illustrates the parking provided for the site. Parking to include in the exhibit: garage spaces, driveway spaces, on-street spaces interior to/for use by the tract.
- **(h)** The project shall maintain two enclosed off-street parking spaces per dwelling unit.
 - (i) The use of compact parking spaces is not permitted.
- (j) The minimum dimensions for garage or carport parking spaces is 10 FT wide by 20 FT long.
- (k) The minimum dimensions for unenclosed parking spaces is 9 FT wide by 18 FT long.

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)** Site lighting shall be reviewed and approved by the Planning and Police Departments prior to the issuance of building permits.
- **(d)** Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.
- **(e)** The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure. The location of light fixtures should correspond to anticipated use. Lighting of pedestrian movement paths should illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.
 - **(f)** The maximum height of luminaires shall be as follows:
- (i) When a light source or luminaire has no cutoff (the point at which all light rays are completely shielded), the maximum permitted height of the luminaire shall be 14 FT.

- (ii) When a luminaire has a total cutoff of light at an angle of 90 degrees or greater, the maximum permitted height of the luminaire shall be 24 FT.
- (iii) When a luminaire has a total cutoff of light at an angle of less than 90 degrees, the maximum permitted height of the luminaire shall be 30 FT.
 - (g) All lighting fixtures must be shielded to confine light spread on-site.
- **(h)** Night lighting of buildings is encouraged, but should be accomplished in a selective manner, avoiding overall building illumination that produces an undesirable look. Night lighting of buildings may be used to highlight special building features, emphasize repeated or decorative features, and use the juxtaposition of light and shadow to articulate the building facade.

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** <u>Signs.</u> All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and the Countryside Specific Plan. Signage will be reviewed and approved under a separate permit.
- **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 <u>Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.</u>
- (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, 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.
- (d) 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.
- **(e)** The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.
- **(f)** 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.

2.13 <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.
- (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 Development Standards.

- (a) The development standards in the Countryside Specific Plan and the Ontario Development Code shall apply to future Development Plan(s) to develop the project site, including but not limited to the following:
- (i) Parking, landscaping, building height, recreational space, and all other applicable standards as per the Countryside Specific Plan and per the Ontario Development Code.
 - (ii) Building setbacks shall be as follows:

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- 10-FT for front yard setback first story, and 15-FT for second story.
- 4-FT for side yard setback.
- 10-FT for exterior side yard setback.
- 4-FT for rear yard setback.

(iii) Within residential developments that will have individual trash pickup, each dwelling shall be provided an area for the storage of recyclable materials within the garage, or within the side or rear yard area.

- **(iv)** Within each dwelling, provide areas or systems designed to contain recyclable materials receptacles, such as under-cabinet rollout drawers within kitchens, to make recycling more convenient and accessible to residents.
- (v) Drive approaches serving a development project of 5 or more dwellings shall be delineated with enhanced paving treatment, such as interlocking pavers, textured and color pigmented concrete, or stamped concrete. Such treatment shall extend from the back of the drive approach to the first intersecting drive aisle or parking space.
- **(vi)** Single-family and multiple-family development projects that include dwellings configured into one or more motorcourts, shall incorporate enhanced paving treatments consisting of interlocking pavers, and textured and/or color pigmented concrete, throughout all motorcourt drives.
- **(vii)** Pedestrian pathways that cross driveways and drive aisles shall be delineated by enhanced paving treatments, such as interlocking pavers, and textured and/or color pigmented concrete.
- **(viii)** Enhanced paving colors and materials shall be provided on the Development Plan and plan check files.
- (ix) Demonstrate on the plans how each unit will meet the minimum 240-CF storage space requirement. Adequate lockable private storage space shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.
 - (x) The plans shall clearly indicate the location of laundry facilities.
- (xi) Storage space and/or mechanical equipment shall not take away from interior garage minimum required dimensions. Verify that all garages meet unobstructed 20-FT x 20-FT (2 spaces) interior garage dimensions. (Note: To accommodate hung storage facilities, the vertical clearance for the front 4 FT of a parking space may be reduced to not less than 4.5 FT in height).
- (xii) Exterior building wall materials, roof types and colors shall be shown on development construction drawings.
- (xiii) A materials and color board, on an 8.5" X 11" board shall be submitted.

- (xiv) Colored elevations incorporating required exterior elevation changes shall be provided.
- (xv) Elevations facing the internal streets ("A" Street, Dolomite Avenue) shall front onto the street rather than the drive aisle.
- **(xvi)** All elevations predominantly visible from public rights-of-way, including streets and parks/paseos, shall receive enhancements including but not limited to, additional shutters and trim, siding, pop-outs, etc.
- (xvii) Per the Specific Plan, three elevations and floor plans are required for the project size.
- (xviii) 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).
- (xix) Pursuant to Exhibit S-3a (Future Roadway Noise Contour Map) of the Policy Plan Safety Element, the Project is within the 6-80 dBA CNEL noise contours of the map. An acoustical analysis is required showing compliance with City noise standards. The analysis shall be approved by the Planning Department prior to Development Advisory Board review and action.
- (xx) Construction documents shall be approved and signed by an acoustical engineer to certify that the noise abatement measures required Comment 18.2, above, have been incorporated.
- (xxi) A phasing plan shall be included in the future Development Plan(s) application submittal.

2.15 <u>Environmental Review</u>.

- (a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, a Specific Plan (Countryside) for which an Environmental Impact Report (SCH# 2004071001) was previously adopted by the City Council on April 18, 2006. 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.

2.16 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.

2.17 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.

2.18 <u>Additional Requirements.</u>

(a) The applicant shall work with staff to establish the name for "Street A" within the tract and shall comply with the provisions provided in Development Code Division 6.06.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

☐ DEVELOPMENT PLAN ☐ OTHER		EL MAP ONDOMINIUN	⊠ TRAC	
		.E NO. TM-189 D(S). PMTT21		
⊠ OR	IGINAL	REVISED:/		
CITY PROJECT ENGINEER &	Michael Bhatar	nawin, P.E. (9	009) 395-2130	
CITY PROJECT PLANNER &	Alexis Vaughn (909) 395-2416			
DAB MEETING DATE:	November 15, 2021			
PROJECT NAME / DESCRIP	TM-18916, a Te subdivide 11.0 lots within the land use distric Specific Plan	5 acres of lar Low Density	nd into 36 Residential	
LOCATION:	Southwest corner of Archibald Avenue and Chino Avenue			
APPLICANT:	LHC Ontario Holdings, LLC			
REVIEWED BY:	Rayer	Lee	1/3/21	
APPROVED BY:	Raymond Lee, Assistant City Khoi Do, P.E. City Engineer		11-3-21 Date	

Last Revised: 11/3/2021

Date: November 15, 2021



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.

1.	PRIC	R TO FINAL MAP APPROVAL, APPLICANT SHALL: Check Wi	
	1.01	Dedicate to the City of Ontario, the right-of-way, described below:	
		 An additional 19 feet from the ultimate right-of-way along the project frontage on the west side of Archibald Ave for a 45 feet neighborhood edge "A" Street to the ultimate full street right-of-way width of 60 feet from Kinglet Ave to Archibald Ave 	
		Property line corner 'cut-back' required at the intersection of:	
		A. Kinglet Ave & "A" St B. Archibald Ave & "A" St	
\boxtimes	1.02	Dedicate to the City of Ontario, the following easement(s):	
		 A. 20 feet wide easement for emergency access purposes over all private alleys B. 20 feet wide easement for public utility purposes over all private alleys 	
	1.03	Restrict vehicular access to the site as follows:	-:
\boxtimes	1.04	Vacate the following street(s) and/or easement(s):	
		A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.	
	1.05	Submit a copy of a recorded private reciprocal use agreement or easement. The agreement of easement shall ensure, at a minimum, common ingress and egress and joint maintenance of a 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 oper space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	g Ll y dd s e e c
	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 a http://neotracker.waterboards.ca.gov/profile_report?global_id=T10000004658 .	e e e v r

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	1.08	File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Financial Services Department at (909) 395-2124 regarding this requirement.	
		(1)	
		(2)	
\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 four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.	
\boxtimes	1.13	Ontario Ranch Developments:	
		☐ 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.	
		☑ 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).	
		☑ 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).	
\boxtimes	1.14	Other conditions:	
		 A. The Tract Map shall comply with the approved Countryside Specific Plan, the Development Agreement, the Conditions of Approval for Tentative Tract Map No. 18916 and the Conditions of Approval for this Tentative Tract Map. B. Applicant/developer shall obtain all off-site right-of-way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval. 	
2.	PRIO	R TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:	
		NERAL	
	(Perm	nits includes Grading, Building, Demolition and Encroachment)	П
\boxtimes	2.01	Record Tract Map No. 18916 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.]
\boxtimes	2.02	Submit a PDF of the recorded map to the City Engineer's office.	



	2.03	Note that the subject parcel is a recognized parcel in the City of Ontario per	
	2.04	Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.	
	2.05	Apply for a:	
		☐ Certificate of Compliance with a Record of Survey;	
		☐ Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);	
	2.06	☐ 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 (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) – for any improvements encroaching into their right-of-way	
		Federal Emergency Management Agency (FEMA)	
		Cucamonga Valley Water District (CVWD) for sewer/water service	
		United States Army Corps of Engineers (USACE)	
		California Department of Fish & Game	
		☑ Inland Empire Utilities Agency (IEUA) – for connection to their 33" sewer main on Archibald Ave	
		Other: Southern California Edison (SCE) – for any improvements encroaching into their easements	
	2.10	Dedicate to the City of Ontario the right-of-way described below:	
		feet on	
		Property line corner 'cut-back' required at the intersection ofand	



	2.11	Dedicate to the City of Ontario the following easement(s):	
	2.12	Vacate the following street(s) and/or easement(s):	
		 All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company. 	
\boxtimes	2.13	Ontario Ranch Developments:	
		☐ 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.	
		☐ 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.	
		☑ 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.	
	2.14	Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at% 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	2.15	The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.	
\boxtimes	2.16	Pay all Development Impact Fees (DIF) to the Building Department. Final fee shall be determined based on the approved site plan.	
	2.17	Other conditions:	

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		JBLIC IMPROVEME attached Exhibit 'A'	NTS for plan check submi	ittal requirements.)		
\boxtimes	2.17	Code, current City	ruct full public impro y standards and spec hese public improven	ifications, master pla	ans and the adopted	l specific plan for
		Improvement	Archibald Ave	Kinglet Ave (A)	"A" St (B)	Dolomite St (C)
		Curb and Gutter	New; 48 ft. from C/L Replace damaged Remove and replace	New; 18 ft. from C/L Replace damaged Remove and replace	New; 18 ft. from C/L Replace damaged Remove and replace	New; 18 ft. from C/L Replace damaged Remove and replace
		AC Pavement	Replacement Widen 13 additional feet along frontage, including pavm't transitions	Replacement New	Replacement New	Replacement New
		PCC Pavement (Truck Route Only)	New Modify existing	New Modify existing	New Modify existing	New Modify existing
		Drive Approach	New Remove and replace	New Remove and replace	New Remove and replace	New Remove and 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)✓ Multi-purpose trail	☐ Trees ☐ Landscaping (w/irrigation) ☐ Multi- purpose trail	☐ Trees☐ Landscaping (w/irrigation)	Trees Landscaping (w/irrigation)

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Neighborhood edge



·			·	
Raised Landscaped Median	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 Relocation	New Relocation	New Relocation
Bus Stop Pad or 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				

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Improvement	All Alleys (Private)	Street 2	Street 3	Street 4
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			
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			
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

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2.18



Recycled Water	Main Service	Main Service	Main Service	Main Service
(see Sec. 2.E) 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 Relocation	New Relocation	New Relocation
Bus Stop Pad or 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 mprovements				
Other mprovements				
A. Limits are TM 18916 project withe west: B. Both nort C. Limits are 18916, Do to constru	e from the northerly, Kinglet Ave has no ill be required to co side of Kinglet Ave. h and south sides form Kinglet Ave to lomite St has not buct a 14' circulation St.	tract limits to Dolon to been constructed instruct a 14' circular om Kinglet Ave to A o Archibald Ave. If, seen constructed by lane with a 5' paved	nite St. If, at the time by TM 17449 and TM tion lane with a 5' pa Archibald Ave. at the time of develo TM 17450, this proje I shoulder on the so	M 17450, this aved shoulder on spending of TM act will be required uth side of

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	2.19	Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.	
	2.20	Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.	
	2.21	Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.	
	2.22	Other conditions:	
	C. SE	WER	
\boxtimes	2.23	A 33 inch sewer main (IEUA) is available for connection by this project in Archibald Ave	
	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 Infrastructure: This development shall construct an 8" sewer main in "A" Street from Kinglet Avenue to Archibald Avenue; an 8" sewer main in Kinglet Avenue from "A" Street to Dolomite Street; and an 8" sewer main in Dolomite Street from Kinglet Avenue to Archibald Avenue. B. Sewer Laterals: Sewer shall be private in the private alleys. Construct a cleanout at the back of the ROW of each alley for each sewer lateral, as shown on the Utility System Map dated 10/21/2021. 	
	D. WA	ATER CONTROL C	
\boxtimes	2.27	A 12 inch water main is available for connection by this project in Archibald Ave. (Ref: Water plan bar code: W10157)	
	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. Water Infrastructure: This development shall construct an 8" potable water main in "A" Street connecting to the potable water mains in Kinglet Avenue and Archibald Avenue; a 12" potable water main in Kinglet Avenue from the northernly tract boundary to Dolomite Street; and a 12" potable water main in Dolomite Street from Kinglet Avenue connecting to the water main in Archibald Avenue. B. Water Services: Bank two meters on each side of the alley for each 4-pack, as shown on the Utility System Map (USM) dated 10/21/2021. C. Fire Hydrants: Construct three fire hydrants along Archibald Avenue, two fire hydrants along Dolomite Street, three fire hydrants along Kinglet Avenue, and two fire hydrants along "A" Street, as shown on the USM dated 10/21/2021. The maximum spacing between fire hydrants shall be 300'. 	
	E. RE	CYCLED WATER	
\boxtimes	2.30	A 24 inch recycled water main is available for connection by this project in Archibald Ave. (Ref: Recycled Water plan bar code: P10154)	



\boxtimes	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	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.	
\boxtimes	2.34	Other conditions:	
		A. Recycled Water Infrastructure: This development shall construct an 8" recycled water main in Kinglet Avenue from the northerly tract boundary to Dolomite Street and an 8" recycled water main in Dolomite Street from Kinglet Avenue to Archibald Avenue.	
	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	
\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:	
		 A. The proposed multi-purpose trail along the eastside of Kinglet Avenue must include 5-foot sidewalk and 8-foot multipurpose trail that runs parallel to the curb. The proposed multi-purpose trail must either continue into the northerly tract or transition back to a sidewalk if the northerly tract does not include a multi-purpose trail. B. Design and construct public street lights and a potential new service along its project frontages of Archibald Avenue, Kinglet Avenue, "A" Street, and Dolomite Street. Street lighting shall be LED-type and in accordance with City's Traffic and Transportation Design Guidelines. C. Design and construct the necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions along Archibald Avenue. Striping improvements shall include the removal existing interim signing and striping beyond 	
		the project frontage limits on Archibald Avenue and the installation of ultimate signing and striping. D. Design and construct traffic signal at the following intersection:	
		 i. Archibald Avenue and Dolomite Street The new traffic signal shall include video detection, fiber optic cable and conduit, communication equipment, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations. E. The "A" Street energy to the tract from Archibald Avenue shall be restricted to right- 	
		in/right-out access only. F. Design and construct a bus pad to serve future stops on the west side of Archibald Avenue of the approach at the signalized intersection of Archibald Avenue and Dolomite Street. The bus pad shall be designed in accordance with Omnitrans requirements and to the satisfaction of the City Engineer.	
		G. Archibald Avenue shall be signed "No Stopping Anytime".H. If, at the time of development, Dolomite St has not been constructed west to TM 17450,	

Last Revised 11/3/2021 Page 11 of 17 Project File No. TM-18916, PMTT21-011 Project Engineer: Michael Bhatanawin, P.E.

Date: November 15, 2021



the Applicant/Developer shall terminate Dolomite Street west of the roundabout as a temporary dead end condition per City of Ontario Standard Drawing No. 1310.

- I. If, at the time of development, Kinglet Avenue has not been constructed north to TM 17449 the applicant/developer shall terminate Kinglet Avenue as a temporary dead end condition north of Lot 2 per City of Ontario Standard Drawing No. 1310.
- J. If, at the time of development, Brockram Drive has not been constructed south to TM 17450 the applicant/developer shall terminate Brockram Drive as a temporary dead end condition per City of Ontario Standard Drawing No. 1310.
- K. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- L. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to start of signing and striping, traffic signal and street lighting design in preparation for the plan check stage.
- M. Parking shall be restricted on Dolomite Street and Kinglet Avenue approaching the roundabout per the Traffic and Transportation Guidelines.

	G DE	AINAGE / HYDROLOGY	
_			
Ш	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.	
	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.	
\boxtimes	2.43	Other conditions:	_
		 A. Construct an 18" storm drain line on "A" St from Kinglet Ave to private alleys G and H. B. The proposed drainage swale on the southerly edge of Lot N cannot be removed and will need to be maintained by the property owner/HOA in perpetuity. An alternative to this is to provide a permanent storm drain solution (i.e. underground pipe). C. Prior to issuance of a grading permit provide one of the following: Evidence (i.e. acknowledgment letter) from the adjacent property owner to the north (APN: 0218-131-33) showing that their property will not flood this project 	
		site. ii. Install a permanent storm drain solution (i.e. underground pipe) that will accept the flows upstream of the project.	
		D. If, at the time of development of TM 18916, the storm drain laterals required for TM 17449 and the westerly side of Kinglet Ave have not been constructed, this project shall be required to provide stub outs for future connections.	
		E. If, at the time of development of TM 18916, the storm drain infrastructure required for TM 17450 has not been constructed, this project shall construct all applicable storm	

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drain improvements set forth in the COA for TM 17450.



	H. ST (NPDE	ORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (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 .	
	2.46	Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.	
	2.47	Other conditions:	
	J. SPI	ECIAL DISTRICTS	
	2.48	File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.	
	2.49	Other conditions:	
	K FIR	SER OPTIC	
	2.50	A fiber optic line is available for connection by this project in (Ref: Fiber Optic plan bar code:)	
	2.51	Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Limits of work are generally located along the project frontages of Archibald Ave, Kinglet Ave, "A" St, Dolomite St and all private alleys.	
\boxtimes	2.52	Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.	



	L. INT	EGRATED WASTE	
	2.53	Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:	
		https://www.ontarioca.gov/OMUC/IntegratedWaste	
\boxtimes	2.54	Other conditions:	
		A. Integrated Waste and Organics Recycling: This site shall comply with the requirements of State Assembly Bill AB 1826 and AB 341 and the Integrated Waste Department. Organic waste shall be diverted and collected separately from recycling and other refuse wastes.	
		B. Final Solid Waste Handling Plan (SWHP): Submit a Final SWHP as part of the precise grading plans submittal that conforms to the Conceptual 'Parking & Trash Study' sheet dated 10/10/2021 and meets the City's SWHP requirements for Integrated Waste Department's review and approval. The Final SWHP shall be included in the CC&R's.	
		C. Integrated Waste Collections: The Developer shall provide all buyers an informational disclosure with map exhibit showing the designated can placement locations for collections for their units. This informational disclosure and map exhibit shall be submitted with the Precise Grading Plan for OMUC review and approval.	
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.	
		☑ 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.	
		☑ 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.	
	3.03	The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.	
	3.04	Ontario Ranch Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.	
\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.).	

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

Last Revised 11/3/2021 Page 15 of 17 Date: November 15, 2021



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PMTT21-011, and/or Tract Map No. 18916

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

- 1. A copy of this check list
- 3. 🛛 One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.
- 5. Include a PDF (electronic submittal) of each required improvement plan at every submittal.
- 7. 🛛 Three (3) sets of Public Street improvement plan with street cross-sections

- 10. Four (4) sets of Public Sewer improvement plan
- 11. X Five (5) sets of Public Storm Drain improvement plan
- 12. X Three (3) sets of Public Street Light improvement plan
- 13. X Three (3) sets of Signing and Striping improvement plan
- 14.

 Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)
- 15. A 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. A 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. A Payment for Final Map processing fee

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Project File No. TM-18916, PMTT21-011 Project Engineer: Michael Bhatanawin, P.E.

Date: November 15, 2021



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CITY OF ONTARIO MEMORANDUM

TO: Alexis Vaughn, Assistant Planner

Planning Department

FROM: Mike Gerken, Deputy Fire Chief/Fire Marshal

Fire Department

DATE: July 12, 2021

SUBJECT: PMTT21-011 - A Tentative Tract Map (TTM 18916) to subdivide 11.05

acres of land into 36 lots, located at the southwest corner of Archibald Avenue and Chino Avenue within the Low Density Residential land use

district of the Countryside Specific Plan (APN: 0218-131-34).

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

SITE AND BUILDING FEATURES:

A. 2019 CBC Type of Construction: Type V-B wood frame

B. Type of Roof Materials: non-rated

C. Ground Floor Area(s): Varies

D. Number of Stories: Two Story

E. Total Square Footage: Varies

F. 2019 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 website at www.ontarioca.gov/Fire/Prevention.

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

4.0 FIRE PROTECTION SYSTEMS

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

5.0 BUILDING CONSTRUCTION FEATURES

- ∑ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ∑ 5.3 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.



MEMORANDUM

Department			Date
ouc e	E NIBMAN RE POLICES	FACER	7/-
	The conditions contained in the attached report must be met prior to schedule Development Advisory Board.	aling for	
□ The plar	an does not adequately address the departmental concerns.		
	Standard Conditions of Approval apply		
X	No comments Report attached (1 copy and email 1 copy)		
The plan	an does adequately address the departmental concerns at this time.		
lots, located Residential la	DESCRIPTION: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres d at the southwest corner of Archibald Avenue and Chino Avenue within the Luland use district of the Countryside Specific Plan (APN: 0218-131-34).		
	Only Zoning Administrator action is required		
	DAB, Planning Commission and City Council actions are required		
	Only Planning Commission action is required		
区	Both DAB and Planning Commission actions are required		
Note:	Only DAB action is required		
	ng project has been submitted for review. Please send one (1) copy and ema eport to the Planning Department by .	l one (1) copy of	
SUBJECT:	FILE #: PMTT21-011 Finance Acct#:		
DATE:	June 25, 2021		
FROM:	Alexis Vaughn, Assistant Planner		
	Diane Ayala, Advanced Planning Division (Copy of memo only) Charity Hernandez, Economic Development Matt Montieth, Building Department Raymond Lee, Engineering Department Jamie Richardson, Landscape Planning Division Dennis Mejia, Municipal Utility Company Gabriel Gutierrez, Police Department Mike Gerken, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Airport Planning Eric Woosley, Engineering/NPDES Angela Magana, Community Improvement (Copy of memo only) Jimmy Chang, IPA Department		
10:	Scott Murphy, Community Development Director Rudy Zeledon, Planning Director (Copy of memo only)		



CITY OF ONTARIO MEMORANDUM



DATE: October 27, 2021

TO: Michael Bhatanawin, Engineering

CC: Alexis Vaughn, Planning

Blaine Ishii, Integrated Waste

FROM: Heather Young, Utilities Engineering

Christy Stevens, Utilities Engineering

SUBJECT: DPR #3 - Utilties Comments (**#8002**)

PROJECT NO.: PMTT21-011 (Subdivide 11.05 AC into 36 lots)

ATTACHMENTS: Utility System Map dated 10/21/2021; Parking & Trash Study dated 10/10/2021

BRIEF DESCRIPTION:

A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 lots, located at the southwest corner of Archibald Avenue and Chino Avenue within the Low Density Residential land use district of the Countryside Specific Plan (APN(s): 0218-131-34).

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

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

General Conditions:

- 1. <u>Standard Conditions of Approval:</u> Project shall comply with the requirements set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below.
- 2. <u>Inherited Requirements and Conditions of Approval:</u> This project is subject to all the Requirements and Conditions of Approval of related entitlements and the Countryside Specific Plan, as amended.

Utility-Specific Conditions:

A. GENERAL

(Permits includes Grading, Building, Demolition and Encroachment)

2.16 Other conditions:

a. Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that conforms to the Conceptual USM dated 10/21/2021 electronically submitted on 10/22/2021 and meets all of the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements which include a minimum 10' horizontal separation, outside wall to outside wall, between water and sewer and a minimum 5' horizontal separation, outside wall to outside wall, between water and all other utilities.

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	B. PUBLIC IMPROVEMENTS (See attached Exhibit 'A' for plan check submittal requirements.)						
Sewer Main		City standards and specifications, master plans and the adopted specific plan for the area, if any. These					
Sewer Main			Improvement	Archibald Ave	Dolomite St	Kinglet Ave	"A" Street
Sewer Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Lateral Late						New	New Relocation
Service Ser							
Removal of Improvements Service Service							
Other Improvements Specific notes for improvements listed in item no. 2.17, above:							
Specific notes for improvements listed in item no. 2.17, above: C. SEWER 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. 2.26 Other conditions: a. Sewer Infrastructure: This development shall construct an 8" sewer main in "A" Street from Kinglet Avenue to Archibald Avenue; an 8" sewer main in Kinglet Avenue from "A" Street to Dolomite Street; and an 8" sewer main in Dolomite Street from Kinglet Avenue to Archibald Avenue. b. Sewer Laterals: Sewer shall be private in the private alleys. Construct a cleanout at the back of the ROW of each alley for each sewer lateral, as shown on the Utility System Map dated 10/21/2021. D. WATER 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. Other conditions: a. Water Infrastructure: This development shall construct an 8" potable water main in "A" Street							
C. SEWER			-				
 Z.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately feet away. Z.26 Other conditions: a. Sewer Infrastructure: This development shall construct an 8" sewer main in "A" Street from Kinglet Avenue from "A" Street to Dolomite Street; and an 8" sewer main in Dolomite Street from Kinglet Avenue to Archibald Avenue. b. Sewer Laterals: Sewer shall be private in the private alleys. Construct a cleanout at the back of the ROW of each alley for each sewer lateral, as shown on the Utility System Map dated 10/21/2021. D. WATER Z.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately feet away. Z.29 Other conditions: a. Water Infrastructure: This development shall construct an 8" potable water main in "A" Street 			Specific notes for impl	rovements listed in ite	m no. 2.17, above:		
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closest main is approximately feet away. 2.29 Other conditions: a. Water Infrastructure: This development shall construct an 8" potable water main in "A" Street		D. WA	ATER				
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connecting to the potable water mains in Kinglet Avenue and Archibald Avenue; a 12" potable water main in Kinglet Avenue from the northernly tract boundary to Dolomite Street; and a 12" potable water main in Dolomite Street from Kinglet Avenue connecting to the water main in Archibald Avenue. b. Water Services: Bank two meters on each side of the alley for each 4-pack, as shown on the Utility System Map (USM) dated 10/21/2021.		e; a 12" potable treet; and a 12" vater main in					

c. <u>Fire Hydrants</u>: Construct three fire hydrants along Archibald Avenue, two fire hydrants along Dolomite Street, three fire hydrants along Kinglet Avenue, and two fire hydrants along "A"

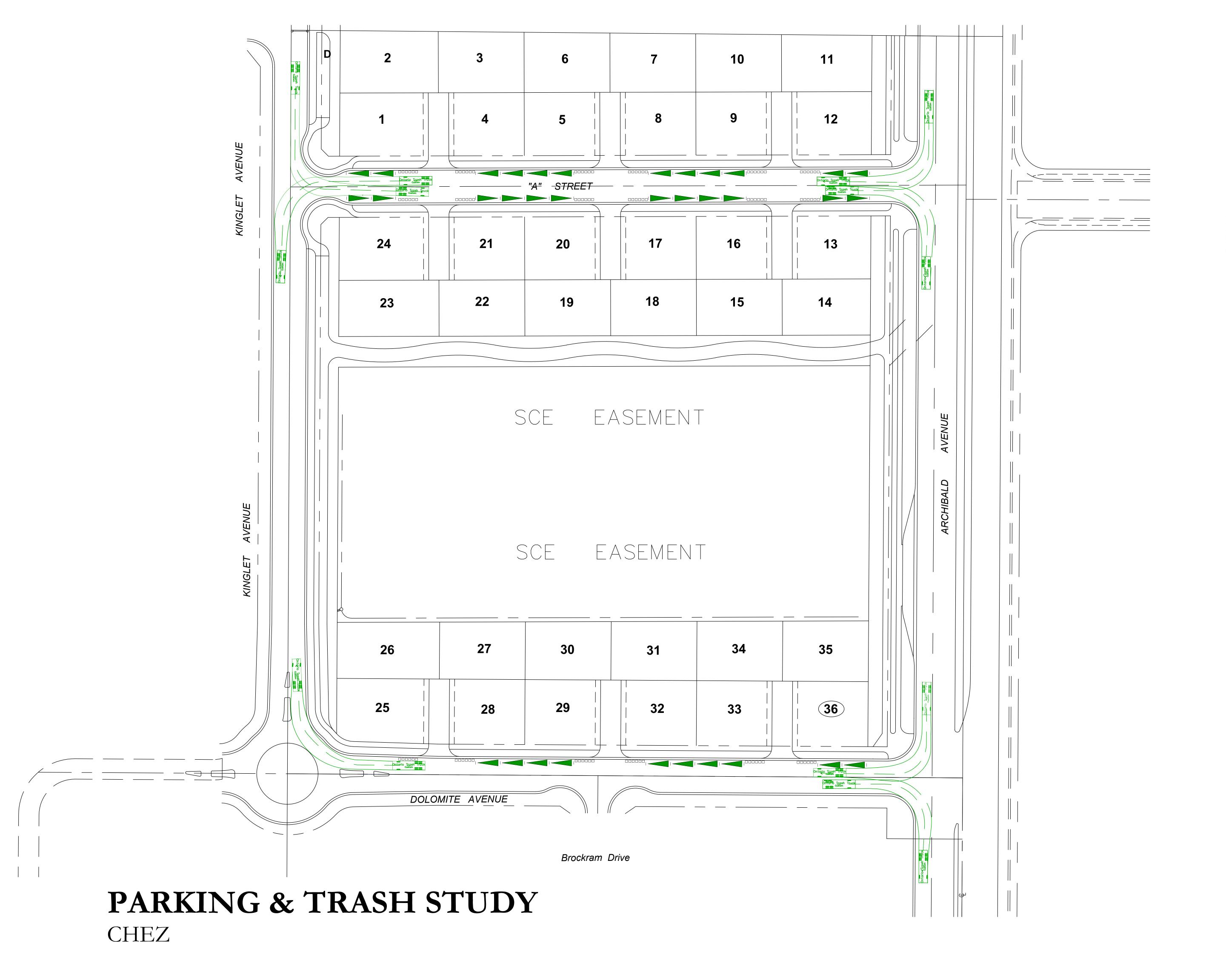
Street, as shown on the USM dated 10/21/2021. The maximum spacing between fire hydrants shall be 300'.

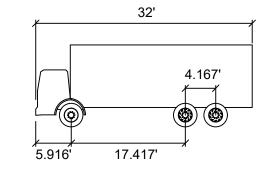
	E. RECYCLED WATER			
	2.31	Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.		
	2.33	Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.		
		Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.		
	2.34	Other conditions: a. Recycled Water Infrastructure: This development shall construct an 8" recycled water main in Kinglet Avenue from the northerly tract boundary to Dolomite Street and an 8" recycled water main in Dolomite Street from Kinglet Avenue to Archibald Avenue.		
	L. INT	EGRATED WASTE		
	2.52	Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:		
		https://www.ontarioca.gov/OMUC/IntegratedWaste		
\boxtimes	2.53	Other conditions:		
		a. <u>Integrated Waste and Organics Recycling:</u> This site shall comply with the requirements of State Assembly Bill AB 1826 and AB 341 and the Integrated Waste Department. Organic waste shall be diverted and collected separately from recycling and other refuse wastes.		
		b. <u>Final Solid Waste Handling Plan (SWHP)</u> : Submit a Final SWHP as part of the precise grading plans submittal that conforms to the Conceptual 'Parking & Trash Study' sheet dated 10/10/2021 and meets the City's SWHP requirements for Integrated Waste Department's review and approval. The Final SWHP shall be included in the CC&R's.		
		c. <u>Integrated Waste Collections:</u> The Developer shall provide all buyers an informational disclosure with map exhibit showing the designated can placement locations for collections for their units. This informational disclosure and map exhibit shall be submitted with the Precise Grading Plan for OMUC review and approval.		
3.	PRIC	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.		

EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

	That Flan Check Submittal Checkist	
	Project Number: PDEV, and/or Parcel Map/Tract Map No. 18916	
The fol	lowing items are required to be included with the first plan check submittal:	
1. 2. 3.	 ☑ Final Utilities System Map (USM) ☑ Final Solid Waste Handling Plan (SWHP) ☑ Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use 	

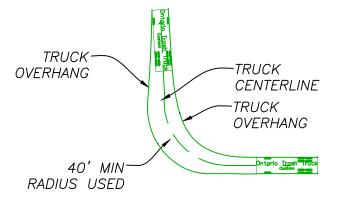




ONTARIO TRASH TRUCK

OVERALL LENGTH	32.000F
OVERALL WIDTH	8.375FT
OVERALL BODY HEIGHT	8.495FT
MIN BODY GROUND CLEARANCE	1.000FT
TRACK WIDTH	8.375FT
LOCK-TO-LOCK TIME	6.00S
WALL TO WALL TURNING RADIUS	39.335F

TURNING RADIUS LEGEND

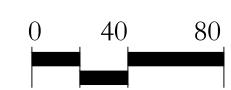


PATHS OF TRAVEL OF 36', 24' AND 20' USED ON PLAN

<u>LEGEND</u>

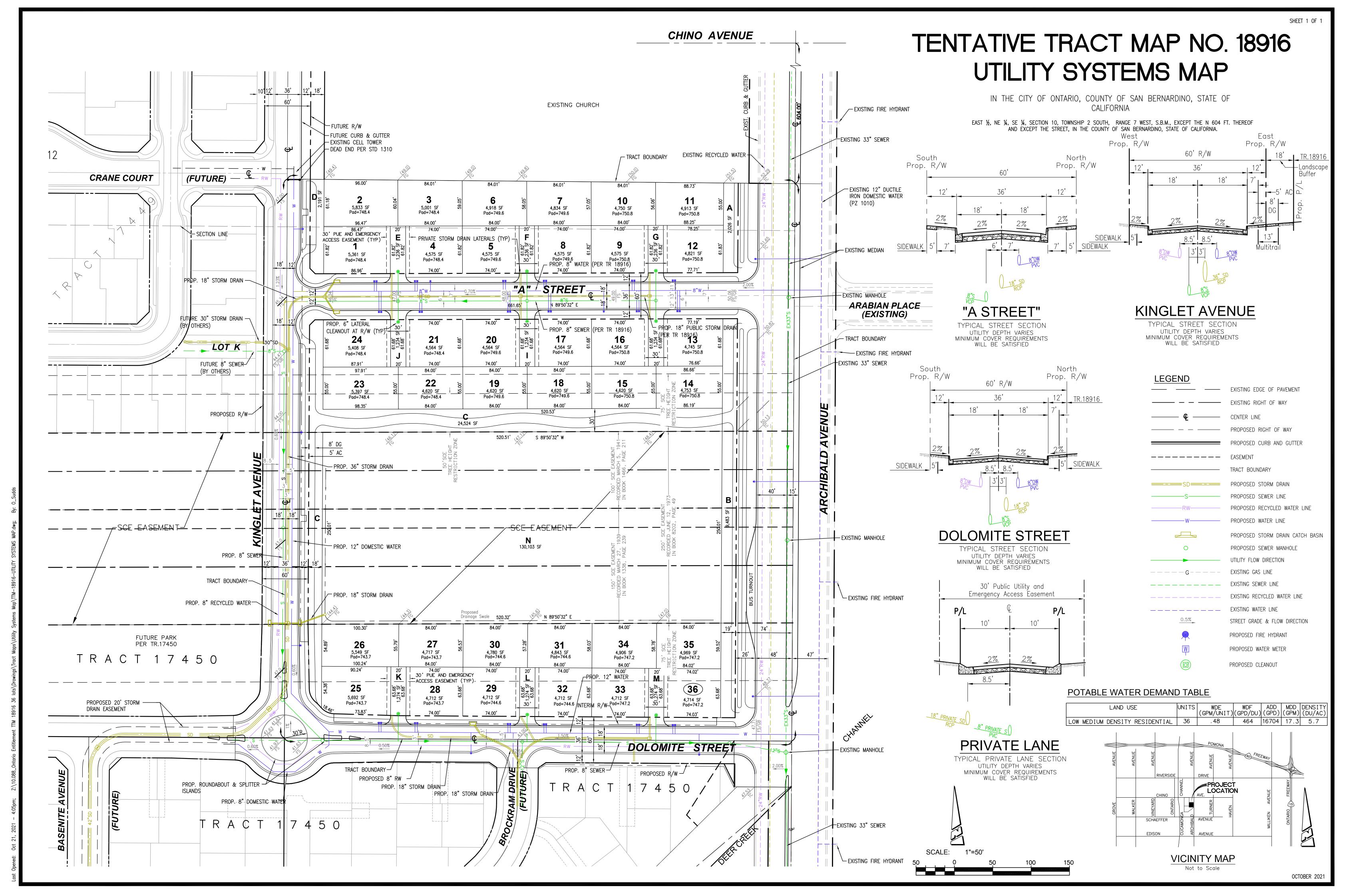
FREE 🔀

ULTIMATE TRASH LOCATION (ENLARGED) $\ \Box$











MEMORANDUM

TO:	Scott Murphy, Community Development Director Rudy Zeledon, Planning Director (Copy of memo only) Diane Ayala, Advanced Planning Division (Copy of memo only) Charity Hernandez, Economic Development Matt Montieth, Building Department Raymond Lee, Engineering Department Jamie Richardson, Landscape Planning Division Dennis Mejia, Municipal Utility Company Gabriel Gutierrez, Police Department Mike Gerken, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Airport Planning Eric Woosley, Engineering/NPDES Angela Magana, Community Improvement (Copy of memo only) Jimmy Chang, IPA Department Alexis Vaughn, Assistant Planner
FROM:	Alexis Vaughn, Assistant Planner
DATE:	June 25, 2021
SUBJECT	FILE #: PMTT21-011 Finance Acct#:
Note: [report to the Planning Department by . 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
lots, locate	DESCRIPTION: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 acres at the southwest corner of Archibald Avenue and Chino Avenue within the Low Density all land use district of the Countryside Specific Plan (APN: 0218-131-34).
The p	lan does adequately address the departmental concerns at this time.
´ ` [No comments
T	Report attached (1 copy and email 1 copy)
[Standard Conditions of Approval apply
The p	ian does not adequately address the departmental concerns.
[The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Engineerint Department Date

Assistant



CITY OF ONTARIO MEMORANDUM

Development Plan Review

Engineering Department: Transportation Section

Project: PMTT21-011 Date: August 9, 2021

Location: SWC of Archibald Avenue and Chino Avenue

By: Perry Chavez

The Transportation Division recommends the following to be incorporated into the Project's Conditions-of-Approval:

Conditions:

- 1. The Applicant/Developer shall be responsible to design and construct half-width frontage improvements along Archibald Avenue 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.
- 2. The Applicant/Developer shall be responsible to design and construct full-width frontage improvements along Kinglet Avenue, "A" Street and Dolomite Street, including the full roundabout on Dolomite Street, in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
- 3. The proposed multi-purpose trail along the eastside of Kinglet Avenue must include 5-foot sidewalk and 8-foot multipurpose trail that runs parallel to the curb. The proposed multipurpose trail must either continue into the northerly tract or transition back to a sidewalk if the northerly tract does not include a multi-purpose trail.
- 4. The Applicant/Developer shall be responsible to design and construct full width street improvements along the property frontage of Kinglet Avenue and the SCE easement frontage in accordance with the Countryside Specific Plan, and applicable standards to the satisfaction of the City Engineer.
- 5. The Applicant/Developer shall be responsible to design and construct public street lights and a potential new service along its project frontages of Archibald Avenue, Kinglet Avenue, "A" Street, and Dolomite Street. Street lighting shall be LED-type and in accordance with City's Traffic and Transportation Design Guidelines.

- 6. The Applicant/Developer shall be responsible to design and construct the necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions along Archibald Avenue. Striping improvements shall include the removal existing interim signing and striping beyond the project frontage limits on Archibald Avenue and the installation of ultimate signing and striping.
- 7. The Applicant/Developer shall be responsible to design and construct traffic signal at the following intersection:
 - a. Archibald Avenue and Dolomite Street

The new traffic signal shall include video detection, fiber optic cable and conduit, communication equipment, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.

- 8. The "A" Street entry to the tract from Archibald Avenue shall be restricted to right-in/right-out access only.
- 9. The Applicant/Developer shall be responsible to design and construct a bus pads to serve future stops on the west side of Archibald Avenue of the approach at the signalized intersection of Archibald Avenue and Dolomite Street. The bus pads shall be designed in accordance with Omnitrans requirements and to the satisfaction of the City Engineer.
- 10. Archibald Avenue shall be signed "No Stopping Anytime".
- 11. The Applicant/Developer shall terminate Dolomite Street west of the roundabout as a temporary dead end condition per City of Ontario Standard Drawing No. 1310.
- 12. If, at the time of development, Kinglet Avenue has not been constructed north to Tract 17449 the applicant/developer shall terminate Kinglet Avenue as a temporary dead end condition north of Lot 2 per City of Ontario Standard Drawing No. 1310.
- 13. If, at the time of development, Brockram Drive has not been constructed south to Tract 17450 the applicant/developer shall terminate Brockram Drive as a temporary dead end condition per City of Ontario Standard Drawing No. 1310.
- 14. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- 15. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to start of signing and striping, traffic signal and street lighting design in preparation for the plan check stage.
- 16. Parking shall be restricted on Dolomite Street and Kinglet Avenue approaching the roundabout per the Traffic and Transportation Guidelines.

pc;



MEMORANDUM

Scott Murphy, Community Development Director Rudy Zeledon, Planning Director (Copy of memo only) Diane Ayala, Advanced Planning Division (Copy of memo only)

Charity Hernandez, Economic Development Matt Montieth, Building Department Raymond Lee, Engineering Department

Jamie Richardson, Landscape Planning Division

Dennis Mejia, Municipal Utility Company Gabriel Gutierrez, Police Department Mike Gerken, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager

Lorena Mejia, Airport Planning Eric Woosley, Engineering/NPDES

Angela Magana, Community Improvement (Copy of memo only)

Jimmy Chang, IPA Department

FROM:

Alexis Vaughn, Assistant Planner

DATE:

September 15, 2021

SUBJECT: FILE #: PMTT21-011

Finance Acct#:

REVISION #1

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

PROJECT DESCRIPTION: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 residential lots located at the southwest corner of Archibald and Chino Avenues within the Low Density Residential land use district of the Countryside Specific Plan (APN: 0218-131-34).

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

LANDSCAPE PLANNING DIVISION

303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

021
0

Reviewer's Name: Jamie Richardson, Sr. Landscape Planner		Phone: (909) 395-2615		
	File No.: Related Files:	Case Planner: Alexis Vaughn		
Project Name and Location: Tract Map to divide 11.05 acres into 36 lots TM 18916, SW corner of Archibald Ave. and Chino Ave.				
Applicant/Representative: LHC Ontario Holdings, LLC – Craig Cristina ccristina@richlandcommunities.com 3161 Michelson, Suite 425 Irvine, CA 92612				
\boxtimes	A Tentative Tract Map (dated 09/15/2021) has been approved of following conditions below be met upon submittal of the lands			
	A Tentative Tract Map (dated) has not been approved. Correct required before DAB approval.	ions noted below are		
CORRECTIONS REQUIRED				

- 1. Sheet S-1, L-1, L-2 WF-1, Archibald Ave.; the parkway, sidewalk, and multipurpose trail should not meander.
- 2. Design utilities and show required separations. Utilities shall be designed to allow for a required minimum of 5' landscape areas within private alleys.
- 3. Residential projects shall use recycled water for HOA maintained property (parks, parkways, neighborhood edges, common areas). Potable water with a backflow shall only be used on single-family detached properties even if HOA maintained.
- 4. Locate utilities to minimum clearances to allow parkway and onsite trees. Show and note a 10' parkway tree space, 5' clearance each side of the tree from any utility or hardscape including water, sewer, drain lines, and driveways; and min. 10' clear from street lights.
- 5. DG trails at corners shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities.
- 6. Note corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp and sidewalk behind at corners.
- 7. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
- 8. Show and identify any onsite stormwater infiltration areas or stormwater infiltration devices proposed in parkways or other landscape areas.

Future Development Plan shall address on Grading, Utility, and Landscape Construction Plans:

- 9. Show SCE trail improvements to meet SCE and City standards.
- 10. Stormwater infiltration devices located in parkways or other landscape areas shall be routed to this department to be reviewed and approved before permit approval or installation.
- 11. Note decorative paving for all motor courts and private alleys.

- 12. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to max 3:1.
- 13. Show or note transformers shall be located in planter areas and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformers greater than 4' high. Locate on level grade. Coordinate with landscape plans.
- 14. 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.
- 15. 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 street trees.
- 16. Show light standards 15' away from required tree locations.
- 17. Wall footings shall not restrict landscape; max 12" in front of footing with 12" of cover.
- 18. Show on plans step-outs at parking spaces adjacent to planters; 12" wide monolithic curb, 12" compacted decomposed granite or pavers adjacent to the 6" curb.
- 19. Wall openings for drainage overflow shall be max 4" wide.
- 20. Provide a solid surface path from the driveway to the side yard gate for entry and trash bin access.
- 21. 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 added for access.
- 22. Stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division before installation.
- 23. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by the resolution of the City Council. Fees.



MEMORANDUM

	10:	Scott Murphy, Community Development Director Rudy Zeledon, Planning Director (Copy of memo only) Diane Ayala, Advanced Planning Division (Copy of memo only) Charity Hernandez, Economic Development Matt Montieth, Building Department Raymond Lee, Engineering Department Jamie Richardson, Landscape Planning Division Dennis Mejia, Municipal Utility Company Gabriel Gutierrez, Police Department Mike Gerken, Deputy Fire Chief/Fire Marshal Jay Bautista, T. E., Traffic/Transportation Manager Lorena Mejia, Airport Planning Eric Woosley, Engineering/NPDES Angela Magana, Community Improvement (Copy of memo only) Jimmy Chang, IPA Department			
	FROM:	Alexis Vaughn, Assistant Planner			
	DATE:	June 25, 2021			
	SUBJECT:	FILE #: PMTT21-011 Finance Acct#:			
The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by .					
	Note:	Only DAB action is required			
	∇	Both DAB and Planning Commission actions are required			
		Only Planning Commission action is required			
		DAB, Planning Commission and City Council actions are required			
	L	Only Zoning Administrator action is required			
	PROJECT DESCRIPTION: A Tentative Tract Map (TTM 18916) to subdivide 11.05 acres of land into 36 lots, located at the southwest corner of Archibald Avenue and Chino Avenue within the Low Density Residential land use district of the Countryside Specific Plan (APN: 0218-131-34).				
	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.			

- 1. The City of Ontario is developing a fiber-optic telecommunications system throughout the city commonly known as OntarioNet. The fiber-optic telecommunications system is capable of providing advanced Internet/data services to homes and businesses in feasible areas within the city. OntarioNet will provide community related services including: traffic management; online civic services; meter reading; educational services; and a variety of other community services. OntarioNet and the high-speed data services it provides will keep the city on par with the modern workforce and ever changing lifestyles of the people and the community.
- 2. Communication systems proposed for on-site facilities will be placed underground within a duct and structure system to be installed by the developer. Maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not that of the developer, private homeowners association or private homeowners. Development of the project requires the installation by the developer of all fiber optic infrastructure necessary to service the project as a standalone development.
- 3. The City requires public utility easement for fiber optics on all private aisles/alley ways.
- 4. Trenching, joint trenching, and boring shall be used to install the fiber-optic conduits. Fiber-optic conduit placement will generally be in a joint trench with Street Light conduits or in a separate trench/bore and in the Right-of-Way (ROW) generally placed behind the sidewalk. Resulting conduit placement generally, will be on the north side of street and the east side of street based on the direction of the street. Properly sized handholes shall be placed along the conduit path no greater than 500-feet apart in major streets and no greater than 300-feet apart within in-tract community streets. Handholes shall be strategically placed to allow for efficient entrance into commercial buildings, and residential properties and multi-dwelling units.
- 5. 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. Requirements and benefits of a structured wiring system include:
 - Residential (single-family and multi-family), commercial and industrial developments shall adhere to the City's Structured Wiring ordinance
 - Allows for uniform receipt & distribution of technology services
 - Ensures scalability of wiring for future technology advances
 - Provides consistent & identical wiring protocols throughout developments
 - 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
- 6. Building Entrance (Multi-family and Commercial) From the nearest handhole to the building entrance, design and install fiber optic conduit at a minimum depth of 36-inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct
- 7. 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"
- 8. A minimum 13/16 millimeter microduct 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.
- 9. A Fiber Optics Improvement Design Plan sheet should be part of the Design Plan submission and should be provided in digital format (PDF) as well, on future revisions

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.:	PMTT21-011			Reviewed By:
Address:	SWC of Archibald Avenue and Chino Avenue			Lorena Mejia
APN:	0218-131-34			Contact Info:
Existing Land Use:	Vacant			909-395-2276
				Project Planner:
Proposed Land A Tentative Tract Map to subdivide 11.05 acres of land into 36 lots Use:				Alexis Vaughn 8/17/2021
Site Acreage:	11.05 Proposed Structure Height: N/A			Date:
ONT-IAC Projec	NT-IAC Project Review: n/a			CD No.: 2021-037
Airport Influence Area: ONT				PALU No.: n/a
The project is impacted by the following ONT ALUCP Compatibility 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
Zone 2		65 - 70 dB CNEL	Airspace Obstruction	Notification
Zone 3		60 - 65 dB CNEL	Surfaces	Real Estate Transaction Disclosure
Zone 4			Airspace Avigation Easement Area	
\bigcirc			Allowable	
Zone 5			Height: 200 FT +	
The project is impacted by the following Chino ALUCP Safety Zones:				
Zone 1		Zone 2 Zone 3	Zone 4 Zone	2 Zone 6
Allowable Heig	ght:			
CONSISTENCY DETERMINATION				
This proposed Project is:				
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.				
Real Estate Transaction Disclosure Required				
Airport Planner S	Signature:	Lanur	Myre	



PLANNING DEPARTMENT ACTIVITY REPORT

Month of October 2021

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

TO: Chairman and Members of the Planning Commission

FROM: Rudy Zeledon, Planning Director

DATE: November 23, 2021

Attached, you will find the Planning Department Monthly Activity Report for the month of October 2021. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site at: https://www.ontarioca.gov/Planning/Reports/MonthlyActivity.



Month of October 2021

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DEVELOPMENT ADVISORY BOARD MEETING October 4, 2021

Meeting Cancelled

ZONING ADMINISTRATOR MEETING October 4, 2021

Meeting Cancelled

CITY COUNCIL/HOUSING AUTHORITY MEETING October 5, 2021

ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP21-

<u>002</u>: An appeal of the Planning Commission's action to uphold the Zoning Administrator's approval and deny the appeal of a Conditional Use Permit to establish and construct a second floor, 574-square-foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE-2 (Rural Estate—0 to 2.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-031-44) submitted by Won Jun Choi. The Zoning Administrator approved this item on May 17, 2021, and the Planning Commission upheld the Zoning Administrator's decision and denied the appeal on July 27, 2021, with a vote of 7 to 0.

Action: Continued to the October 19, 2021, City Council meeting.

DEVELOPMENT ADVISORY BOARD MEETING October 18, 2021

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-027: A

Development Plan to construct a 7,200-square-foot maintenance building and tractor-trailer parking on 4.2 acres of land located at 2009 South Cucamonga Avenue, 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

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with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-501-16) **submitted by NFI Industries.**

<u>Action</u>: The Development Advisory Board adopted a decision approving the Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT19-008 AND PDEV19-023: A Tentative Tract Map (File No. PMTT19-008; TTM 20281) to subdivide 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with a Development Plan (File No. PDEV19-023) to construct 37 dwelling units and an associated recreation facility, for property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001), certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-111-56) submitted by Chino Avenue, LLC. Planning Commission action is required.

<u>Action</u>: The Development Advisory Board adopted decisions recommending the Planning Commission approve the Tentative Tract Map and Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-020: A Development Plan (File No. PDEV20-020) to construct a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land bordered by D Street to the north, Euclid Avenue to the west, C Street to the south, and Lemon Avenue to the east, within the C1 Block of the Downtown Civic Center Planned Unit Development and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council on June 21, 2011. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-551-10, 1048-551-11, and 1048-551-12). submitted by Hutton Development. Planning Commission action is required.

<u>Action</u>: The Development Advisory Board adopted a decision recommending the Planning Commission approve the Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-006: A Tentative Parcel Map (TPM 20335) to subdivide 5.77 acres of land into two parcels located at the northeast corner of Inland Empire Boulevard and Haven Avenue, at 800 North Haven Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed

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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: 0210-204-03) **submitted by Fuscoe Engineering. Planning Commission action is required.**

<u>Action</u>: The Development Advisory Board adopted a decision recommending the Planning Commission approve the Tentative Parcel Map, subject to conditions.

ZONING ADMINISTRATOR MEETING October 18, 2021

Meeting Cancelled

CITY COUNCIL/HOUSING AUTHORITY MEETING October 19, 2021

ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP21-002: An appeal of the Planning Commission's action to uphold the Zoning Administrator's approval and deny the appeal of a Conditional Use Permit to establish and construct a second floor, 574-square-foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE-2 (Rural Estate—0 to 2.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-031-44) submitted by Won Jun Choi. The Zoning Administrator approved this item on May 17, 2021, and the Planning Commission upheld the Zoning Administrator's decision and denied the appeal on July 27, 2021, with a vote of 7 to 0.

<u>Action</u>: The City Council adopted a resolution upholding the Planning Commission's approval and denying the appeal of the Conditional Use Permit.

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING October 26, 2021

<u>MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-006</u>: A Mills Act Contract for an 1,833 square foot Monterey Revival and Spanish Eclectic style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Peter H. Vandenberg House, located at 1240 North

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Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-531-07) submitted by Bryan and Monica Sinsabaugh. City Council action is required.

<u>Action</u>: The Planning Commission adopted a resolution recommending the City Council approve the Mills Act Contract.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-010: A Mills Act Contract for a 1,246 square foot Vernacular Bungalow style single-family residence, a Contributor within the College Park Historic District known as the Laura Russell House, located at 1130 North Columbia Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-543-03) submitted by Jonathan and Kelly Rushing. City Council action is required.

<u>Action</u>: The Planning Commission adopted a resolution recommending the City Council approve the Mills Act Contract.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-011: A Mills Act Contract for a 3,824 square foot Italianate style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Harold Latimer House, located at 1112 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-542-04) submitted by Zhenwei and Wei Xu. City Council action is required.

<u>Action</u>: The Planning Commission adopted a resolution recommending the City Council approve the Mills Act Contract.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-012: A Mills Act Contract for a 3,032 square foot Craftsman style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Homer Berger House, located at 1108 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-542-03) submitted by Luke and Jessica Bideaux. City Council action is required.

<u>Action</u>: The Planning Commission adopted a resolution recommending the City Council approve the Mills Act Contract.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS. PDEV20-020 AND PHP21-014: A Development Plan (File No. PDEV20-020) and Certificate of Appropriateness (File No. PHP21-014) to construct a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land bordered D Street to the north, Euclid Avenue to the west, C Street to the south, and Lemon Avenue to the east, within the C1 Block of the Downtown Civic Center Planned Unit Development and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council

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on June 21, 2011. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-551-10, 1048-551-11, and 1048-551-12). submitted by Hutton Development.

<u>Action</u>: The Historic Preservation/Planning Commission adopted resolutions approving the Certificate of Appropriateness and Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA21-003: A Development Agreement between the City of Ontario and Chino Avenue, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20281 (File No. PMTT19-008), a 4.79-acre property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001), certified by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-111-56) Submitted by Chino Avenue, LLC. City Council action is required.

<u>Action</u>: The Planning Commission adopted a resolution recommending the City Council approve the Development Agreement.

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT19-008 AND PDEV19-023: A Tentative Tract Map (File No. PMTT19-008; TTM 20281) to subdivide 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with a Development Plan (File No. PDEV19-023) to construct 37 dwelling units and an associated recreation facility, for property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001) Environmental Impact Report (State Clearinghouse No. 2004071001), certified by the City Council on April 18, 2006. 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: 0218-111-56) Submitted by Chino Avenue, LLC. Action: The Planning Commission adopted resolutions approving the Tentative Tract Map and Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-006: A Tentative Parcel Map (TPM 20335) to subdivide 5.73 acres of land into two parcels located at the northeast corner of Inland Empire Boulevard and Haven Avenue, at 800 North Haven Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed

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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: 0210-204-03) submitted by Fuscoe Engineering. Action: The Planning Commission adopted a resolution approving the Tentative Parcel Map, subject to conditions.

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Month of October 2021

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PCUP21-019:

Submitted by Sayegh Properties LLC

A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine for consumption on the premises (Type 41 ABC license), in conjunction with a proposed 1,883-square-foot restaurant (Libra Por Libra Mariscos) on 0.95-acre of land located at 644 East Francis Street, within the CN (Neighborhood Commercial) zoning district (APN:1050-421-02). **Zoning Administrator action is required.**

PCUP21-020: Submitted by Richard Denzer

Application void (CUP is not required) – replaced by File No. PMAS21-001.

PCUP21-021:

Submitted by True Jesus Church in Ontario

A Conditional Use Permit for the interior remodeling of an existing 4,488-square-foot church on 1.37 acres of land located at 1429 North Euclid Avenue, within the RE-4 (Residential Estate) zoning district (APN: 1047-345-01). **Zoning Administrator action is required.**

PCUP21-022:

Submitted by Grens Ontario, LLC

A Modification to a previously approved Conditional Use Permit (File No. PCUP18-028), to establish a 117,091-square-foot hotel with conference rooms, fitness center, pool, and restaurant on 2.25 acres of land located at the northwest corner of Turner Avenue and Guasti Road, at 535 North Turner Avenue, within the Planning Area 1 land use district of the Guasti Plaza Specific Plan (APN: 0210-192-24). Related Files: PDEV21-036, PDEV18-027, and PCUP18-028. **Planning Commission action is required.**

PDA-21-012: Submitted by Warm Springs Investments Ltd. & LHC Ontario Holdings LLC

A Development Agreement with Warm Springs Investments Ltd. and LHC Ontario Holdings LLC., to establish the terms and conditions associated with the development of a Tentative Tract Map, pursuant to an amendment to the Subarea 29 Specific Plan (File No. PSPA21-005). **City Council action is required.**

PDA-21-013:

Submitted by Richland Developers, Inc.

A Development Agreement with LHC Ontario Holdings LLC; RMD Inland Investors LLC; Richland Meadowland Ltd; and Strack Farms Land LLC; associated with the development of Tentative Tract Map 20472, File No. PMTT21-018, located at the northeast corner of Eucalyptus Avenue and Haven Avenue, within the proposed Grand Park Specific Plan. **City Council action is required.**

PDET21-002:

Submitted by Richard Denzer

A Determination of Use to establish whether a massage parlor is similar to, and of no greater intensity that other allowed land uses within the Commercial land use district of the Avenue Specific Plan (3490 East Ontario Ranch Road, Suite 2 (APN: 0218-402-51). **Zoning Administrator action is required.**

PDEV21-035:

Submitted by Herdman Architecture and Design

A Development Plan to construct one industrial building totaling 60,455 square feet on 2.55 acres of land located at the southeast corner of Sultana Avenue and Belmont Street, within the IL (Light

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Industrial) zoning district (APNs: 1049-491-01, 1049-491-02, and 1049-491-03). **Planning Commission action is required.**

PDEV21-036:

Submitted by Grens Ontario, LLC

A modification to a previously approved Development Plan (File No. PDEV18-027 and PCUP18-028), to construct an 117,091-square foot hotel with conference rooms, fitness center, pool, and restaurant on 2.25 acres of land located at the northwest corner of Turner Avenue and Guasti Road at 535 North Turner Avenue, within the Planning Area 1 land use district of the Guasti Plaza Specific Plan (APN: 0210-192-24). Related Files: PCUP21-022, PDEV18-027, and PCUP18-028. **Planning Commission action is required.**

PDEV21-037:

Submitted by Thomas G & Callanan, Eile McDonald

A Development Plan to construct a 35,500-square-foot industrial building on 7.05 acres of land located at 1516 South Bon View Avenue, within the IG (General Industrial) zoning district (APNs: 1050-121-04, 1050-121-05, and 1050-211-08). **Development Advisory Board action is required.**

PDEV21-038:

Submitted by JWDA-MS Architects

A Development Plan to construct a 4-story mixed use project consisting of 42 residential dwelling units and 12,119 SF of commercial space on 1.18 acres of land located at 1001 East Holt Boulevard, within the MU-2 (East Holt Mixed Use) zoning district (APN: 1048-481-29). Related File No. PUD-21-003. **Planning Commission action is required.**

PDEV21-039:

Submitted by KB Home Coastal, Inc.

A Development Plan to construct a 113 single-family 6-pack courtyard cluster homes on 22.84 acres of land generally located at the southeast corner of Mill Creek Avenue and Old Edison Road, within PA-2 (RD-6 / 6-Pack Courtyard Homes) of the Esperanza Specific Plan (APNs: 0218-252-07 and 0218-252-08). Related Files: PMTT18-002 (TTM 20157), PMTT18-005 (TTM 20160). **Planning Commission action is required.**

PDIF21-006:

Submitted by DPIF3 CA 36 Ontario Ranch, LLC, c/o Dermody Properties

A DIF Credit Agreement with DPIF3 CA 36 Ontario Ranch LLC, associated with the Development Plan, located at the northwest corner of Hamner Avenue and Ontario Ranch Road, within Planning Areas 7A and 7B, of the Rich-Haven Specific Plan. **City Council action is required.**

PGPA21-003:

Submitted by SL Ontario Development Company, LLC

A General Plan Amendment in conjunction with an Amendment to the Subarea 29 Specific Plan to: (1) revise the land uses within Planning Areas 30 and 31, and (2) add approximately 113 acres of land and include new Planning Areas 32 through 34, bordered by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the west, County Line Channel and Bellegrave Avenue to the south, and Mill Creek Avenue of the Subarea 29 Specific Plan (APNs: 0218-331-12, 0218-331-14, 0218-331-18, 0218-331-30, 0218-331-31, and 0218-331-52). City Council action is required.

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PHP-21-017:

Submitted by Bon View Land 10, LLC & BV Investments 10, LLC

A Tier Determination of a single-family residence (Eligible Historic Resource) located at 1948 South Bon View Avenue, within the IL (Light Industrial) zoning district (APN: 1050-441-05). **Historic Preservation Subcommittee approval is required.**

PHP-21-018:

Submitted by Bon View Land 10, LLC & BV Investments 10, LLC

A request to determine eligibility for a single-family residence constructed in the Craftsman architectural style, located at 1948 South Bon View Avenue, within the IL (Light Industrial) zoning district (APN: 1050-441-05). **Historic Preservation Subcommittee approval is required.**

PHP-21-019:

Submitted by Realstrong Investment LLC

A request to review and determine eligibility of an industrial building (Eligible Historic Resource) for listing on the Ontario Register of Historic Resources, located at 541 East Emporia Street, within the IL (Light Industrial) Zoning District (APN: 1049-091-06). **Historic Preservation Subcommittee approval is required.**

PHP-21-020:

Submitted by Michael Teves

A request for a plaque for a Contributor to the College Park Historic District, located at 117 East Harvard Place (APN: 1048-063-10). **Staff action is required.**

PMAS21-001:

Submitted by Richard Denzer

An Administrative Use Permit to establish a wellness center that includes massage services within a 2,153-square-foot suite located at 3490 East Ontario Ranch Road, Suite 2 (New Haven Marketplace), within the Commercial land use district of the Avenue Specific Plan APN: 0218-402-51. **Staff action is required.**

PSGN21-108:

Submitted by Swain Signs

A Sign Plan for the installation of one interior illuminated wall-mounted sign and reface of two existing panels on existing free standing signs for property located at 2522 South Grove Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1051-321-62). **Staff action is required.**

PSGN21-109:

Submitted by BHBELJ 3110B, LLC

A Sign Plan for the installation of two nonilluminated wall-mounted signs for AMPAC BUSINESS CAPITAL, located at 3110-B East Inland Empire Boulevard, within the Wagner Properties Specific Plan (APN: 0210-571-19). **Staff action is required.**

PSGN21-110:

Submitted by Centerhouse Homeowners Association

A Sign Plan for the installation of to install one ground mounted monument sign for CENTERHOUSE, located at 2351 South Fern Avenue, within the MDR-18 (Medium Density Residential – 11.1 to 18.0 du/ac) zoning district (APN: 1051-061-56). **Staff action is required.**

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PSGN21-111: Submitted by T-Mobile

A Sign Plan for the installation of two replacement wall signs for T MOBILE, located at 4323 East Mills Circle, Suite 100, within the Ontario Mills Specific Plan (APN: 0238-014-49). **Staff action is required.**

PSGN21-112: Submitted by Signfastic

A Sign Plan for the installation of for two wall signs for ESTAFETA USA (LOGIMEX), located at 1341-A East Fourth Street, within the CN (Neighborhood Commercial) zoning district (APN: 0108-381-30). Staff action is required.

PSGN21-113: Submitted by Corguz Sign Inc

A Sign Plan for the installation of to install two illuminated wall signs and signage on one existing multi-tenant monument sign for WABA GRILL, located at 2195 South Grove Avenue, Suite C, within the Grove Avenue Specific Plan (APN: 0113-641-15). **Staff action is required.**

PSGN21-114: Submitted by National Signs

A Sign Plan for the installation of a wall sign for a business located at 4750 East Ontario Mills Parkway, Suite B, within the Ontario Mills Specific Plan (APN: 0238-271-22). **Staff action is required.**

PSGN21-115: Submitted by Army National Guard

A Sign Plan for the installation of a new internally-illuminated wall sign for CALIFORNIA ARMY NATIONAL GUARD, located at 1520 North Mountain Avenue, Suite F126, within the Mountain Village Specific Plan (APN: 1008-272-07). **Staff action is required.**

PSGN21-116: Submitted by Christ Church Parish

A Sign Plan for the installation of a temporary banner for a church re-grand opening ceremony located at 1127 North San Antonio Avenue, within the LDR5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district. **Staff action is required.**

PSGN21-117: Submitted by MP Signs Services

A Sign Plan for the installation of a wall sign for TEA LOVE, located at 2238 South Euclid Avenue, within the CC (Community Commercial) zoning district. **Staff action is required.**

PSGN21-118: Submitted by Falcon Wealth Planning

A Sign Plan for the installation of two wall-mounted signs for FALCON WEALTH PLANNING, located at 3400 East Inland Empire Boulevard, within the Ontario Centre Specific Plan (APN: 0210-182-40). **Staff action is required.**

PTUP21-067: Submitted by AYSO Region 583

A Special Event Permit to hold the AYSO Region 583 Summer Blast Off Tournament at the Ontario Soccer Park, 2200 East Philadelphia Street, within the OS-R (Open Space - Recreation) zoning district. Event to be held 5/20/2022 to 5/22/2022. **Staff action is required.**

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PTUP21-068: Submitted by CLC

A Special Event Permit submitted by the Community Life and Culture Agency for the Dia De Los Muertos Community Altar Event, located at the Jack Mercer Community Bandstand. Event to be held 10/29/2021 to 11/2/2021. **Staff action is required.**

PTUP21-069: Submitted by KABC7 channel

A Temporary Use Permit for Annual Spark of Love/Stuff a Bus Toy Drive for ABC7, located at (Mathis Furniture Store), located at 4105 East Inland Empire Boulevard. Event to be held on 12/3/2021, from 4:00AM to 6:30PM. **Staff action is required.**

PTUP21-070: Submitted by Christ Church Parish

A Temporary Use Permit for a church re-grand opening ceremony located at 1127 North San Antonio Avenue. Event to be held on 11/5/2021 to 11/7/2021. **Staff action is required.**

PTUP21-071: Submitted by Lowe's Center

A Temporary Use Permit for Lowes Christmas Tree Sales Lot located at 2390 South Grove Avenue. Event to be held on 11/8/2022 to 1/4/2022. **Staff action is required.**

PTUP21-072: Submitted by 4th Sector Ontario

A Temporary Use Permit for art, food, music, tech and professional event with workshops and panels at 404 North Euclid Avenue. Event to be held on 11/12/2021. Setup time from 8:00AM through cleanup time 9:00PM. Approximately 350 people anticipated for attendance. **Staff action is required.**

PUD-21-003: Submitted by JWDA-MS Architects

A Planned Unit Development to facilitate the development of a 1.18-acre lot with a 4-story mixed-use project consisting of 42 residential dwelling units and 12,119 SF of commercial space located at 1001 East Holt Boulevard, within the MU-2 (East Holt Mixed Use) zoning district (APN: 1048-481-29). Related File No. PDEV21-038. **City Council action is required.**

PVER21-073: Submitted by NV5

A Zoning Verification for property located at 4250 East Jurupa Street, within the Milliken Industrial Park (APN: 1083-361-13). **Staff action is required.**

PVER21-074: Submitted by Stutzman, Bromberg, Esserman & Plifka, PC

A Zoning Verification for property located at 5401 East Jurupa Street, within the IH (Heavy Industrial) zoning district (APN: 0238-101-53). **Staff action is required.**

PVER21-075: Submitted by PZR

A Zoning Verification for property located at 3120 East Mission Boulevard, within the California Commerce Center South Specific Plan (APN: 0211-275-33). **Staff action is required.**

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PVER21-076: Submitted by PZR

A Zoning Verification for property located at the northwest corner of Ontario Ranch Road and Hamner Avenue, within the Rich-Haven Specific Plan (APNs: 0218-211-31, 0218-211-32, and 0218-211-33). **Staff action is required.**

PVER21-077: Submitted by Catherine Atkinson

A Zoning Verification for property located at 1575 North Mountain Avenue, within the Mountain Village Specific Plan (APN:1008-271-10). **Staff action is required.**

PVER21-078: Submitted by ML Mortgage Corp

A Zoning Verification for property located at 830 East Emporia Street, within the IP (Industrial Park) zoning district (APN:1049-102-19). **Staff action is required.**

PVER21-079: Submitted by NV5

A Zoning Verification for property located at 1575 North Mountain Avenue, within the Mountain Village Specific Plan (APN: 1008-271-10). **Staff action is required.**

PVER21-080: Submitted by MCI Investments, LLC

A Zoning Verification for property located at 1166 South Mildred Avenue, within the General Industrial) zoning district (APN: 0113-351-09). **Staff action is required.**

PVER21-081: Submitted by Planning & Resource Company (PZR)

A Zoning Verification for property located at 1505 South Haven Avenue, within the Rail Industrial land use district of the California Commerce Center Specific Plan (APN 0211-281-34). **Staff action is required.**

PVER21-082: Submitted by Planning & Resource Company (PZR)

A Zoning Verification for property located at 3690 East Jurupa Street, within the California Commerce Center Specific Plan (APN 0211-281-31). **Staff action is required.**

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