

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**SEPTEMBER 20, 2016**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
City Attorney

**Sheila Mautz**  
City Clerk

**James R. Milhiser**  
Treasurer

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

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

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

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

**CALL TO ORDER (*OPEN SESSION*)**

**6:00 p.m.**

***ROLL CALL***

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

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

***CLOSED SESSION***

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 0210-204-19; 945 North Via Alba; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Lewis Acquisition Company, LLC; Under negotiation: Price and terms of payment.

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

***PLEDGE OF ALLEGIANCE***

Mayor pro Tem Dorst-Porada

***INVOCATION***

Pastor Reegis Richard, The Joshua Center International

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

**CONSENT CALENDAR**

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

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

**1. BILLS/PAYROLL**

**Bills** July 24, 2016 through August 20 2016 and **Payroll** July 24, 2016 through August 20, 2016, when audited by the Finance Committee.

**2. A RESOLUTION APPROVING FINAL TRACT MAP NO. 18857 LOCATED AT THE SOUTHWEST CORNER OF FIFTH STREET AND HELLMAN AVENUE**

That the City Council adopt a resolution approving Final Tract Map No. 18857 located at the southwest corner of Fifth Street and Hellman Avenue.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18857 LOCATED AT THE SOUTHWEST CORNER OF FIFTH STREET AND HELLMAN AVENUE.

**3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18913-2 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET**

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No 18913-2 located at the southeast corner of Archibald Avenue and Parkview Street within the Subarea-29 Specific Plan area.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18913-2, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET.

**4. A RESOLUTION APPROVING FINAL TRACT MAP NOS. 18996 AND 18996-1 LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE**

That the City Council adopt a resolution approving Final Tract Map Nos. 18996 and 18996-1 located at the northwest corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NOS. 18996 AND 18996-1 LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

**5. A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS OF WAY AND PUBLIC SERVICE EASEMENTS IN A PORTION OF PARKPLACE AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN**

That the City Council adopt a resolution ordering the summary vacation of the rights of way and public service easements in a portion of Parkplace Avenue and reconveying any of the City's interest therein and authorize the City Manager to execute the documents necessary to evidence the vacation and the reconveyance of the City's interest therein.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS OF WAY AND PUBLIC SERVICE EASEMENTS IN A PORTION OF PARKPLACE AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

**6. RECOGNITION OF NATIONAL PREPAREDNESS MONTH**

That the City Council recognize the month of September 2016 as National Preparedness Month in the City of Ontario.

**7. RECOGNITION OF OCTOBER 9-15, 2016 AS "NATIONAL FIRE PREVENTION WEEK"**

That the City Council recognize the week of October 9-15, 2016 as "National Fire Prevention Week" in the City of Ontario and invite the public to attend the Ontario Fire Department Open House to be held on October 1, 2016

**8. ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2015-16**

That the Board of the Ontario Housing Authority approve the Ontario Housing Authority Annual Report for Fiscal Year 2015-16 ("OHA Annual Report") (on file in the Records Management Department), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the final Annual Report as required by State law.

**9. CONSTRUCTION CONTRACT FOR THE MONUMENT SIGN REPLACEMENT AT THE ONTARIO MUSEUM OF HISTORY AND ART/A GOOD SIGN AND GRAPHICS COMPANY**

That the City Council award Contract No. MU 1516-02 (on file with the Records Management Department) to A Good Sign and Graphics Company of Santa Ana, California in the amount of a \$148,063, including a 15% contingency; and authorize the City Manager to execute the contract, other related documents necessary to implement said contract and to file a notice of completion at the conclusion of all construction activities related to the project.

## **PUBLIC HEARINGS**

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

### **10. A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2015-16 FISCAL YEAR**

That the City Council:

- (A) Hold a public hearing to receive testimony on the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2015-16 Fiscal Year (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

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

Written communication.

Oral presentation.

Public hearing closed.

### **11. A PUBLIC HEARING TO CONSIDER A CITY INITIATED GENERAL PLAN AMENDMENT (FILE NO. PGPA16-004) TO: (1) MODIFY FIGURES M-1 (MOBILITY ELEMENT SYSTEM) AND M-3 (MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN) TO ADD A PARALLEL BIKE ROUTE TO HOLT BOULEVARD FROM BENSON TO HAVEN AVENUES, EXTEND AND MODIFY THE SAN ANTONIO BIKE CORRIDOR TO EXTEND FROM THE SOUTHERN TO THE NORTHERN CITY LIMITS, MODIFY PLANNED FACILITIES IN ONTARIO RANCH TO BE CONSISTENT WITH STREETSCAPE MASTERPLAN AND MODIFY VARIOUS EXISTING PLANNED FACILITIES; (2) MODIFY FIGURE M-5 (TRUCK ROUTES) TO ELIMINATE HOLT BOULEVARD AS A DESIGNATED TRUCK ROUTE FROM BENSON TO GROVE AVENUES; (3) MODIFY FIGURE M-2 (FUNCTIONAL ROADWAY CLASSIFICATION PLAN) TO NOTE LOCATIONS OF ALL GRADE SEPARATIONS REGARDLESS OF WHETHER THEY ARE EXISTING OR PROPOSED; (4) MODIFY FIGURES M-1 (MOBILITY ELEMENT SYSTEM) AND M-4 (TRANSIT PLAN) TO MODIFY THE BUS RAPID TRANSIT (BRT) CORRIDOR ON HOLT BOULEVARD, EAST OF VINEYARD AVENUE, TO BE CONSISTENT WITH THE ALIGNMENT APPROVED BY OMNITRANS; AND (5) ADD A COMPLETE STREET POLICY TO THE MOBILITY ELEMENT PURSUANT TO AB 1358**

That City Council conduct a public hearing and adopt a resolution approving General Plan Amendment File No. PGPA16-004, to revise the Mobility Element of The Ontario Plan.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-004, AN AMENDMENT TO THE MOBILITY ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING FIGURE M-1 (MOBILITY ELEMENT SYSTEM), FIGURE M-2 (FUNCTIONAL ROADWAY CLASSIFICATION PLAN), FIGURE M-3 (MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN), FIGURE M-4 (TRANSIT PLAN) AND FIGURE M-5 (TRUCK ROUTES) BY ADDING A PARALLEL BIKE ROUTE TO HOLT BOULEVARD, EXTENDING AND MODIFYING THE SAN ANTONIO BIKE ROUTE, MODIFYING THE PLANNED FACILITIES IN ONTARIO RANCH AND VARIOUS OTHER EXISTING PLANNED BICYCLE FACILITY CLASSIFICATIONS, ELIMINATING HOLT BOULEVARD FROM WEST OF GROVE AVENUE AS A TRUCK ROUTE, COMBINING EXISTING AND FUTURE GRADE SEPARATIONS, AND REVISING THE LOCATION OF THE HOLT BOULEVARD BUS RAPID TRANSIT (BRT) CORRIDOR EAST OF VINEYARD AVENUE, ADDING A COMPLETE STREETS POLICY AND MAKING FINDINGS IN SUPPORT THEREOF (SEE EXHIBITS A, B, C, D, E AND F) (PART OF MOBILITY ELEMENT CYCLE 1 FOR THE 2016 CALENDAR YEAR).

***12. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-004, PROPOSING THE ADDITION OF CHAPTER 18 TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE AND AMENDING THE ONTARIO DEVELOPMENT CODE SECTION 9.01 (DEFINITIONS), TABLE 5.02-1 (LAND USE TABLE), AND SECTION 5.03.280 (MEDICAL MARIJUANA DISPENSARIES) TO REGULATE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA***

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-004, a Development Code Amendment proposing the addition of Chapter 18 to Title 6 of the Ontario Municipal Code and amending Ontario Development Code Section 9.01 (Definitions), Table 5.02-1 (Land Use Table), and Section 5.03.280 (Medical Marijuana Dispensaries) to regulate personal, medical, and commercial use of marijuana.

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

Written communication.

Oral presentation.

Public hearing closed.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-004, A DEVELOPMENT CODE AMENDMENT ADDING CHAPTER 18 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE AND AMENDING THE ONTARIO DEVELOPMENT CODE DIVISION 9.01 (DEFINITIONS), TABLE 5.02-1 (LAND USE TABLE), AND SECTION 5.03.280 (MEDICAL MARIJUANA DISPENSARIES) TO REGULATE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA, AND MAKING FINDINGS IN SUPPORT THEREOF.

**13. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE EXCHANGE SPECIFIC PLAN (FILE NO. PSPA16-002) TO ESTABLISH THE INDUSTRIAL PARK (IP) LAND USE DEVELOPMENT STANDARDS, REGULATIONS AND DESIGN GUIDELINES FOR 10.59 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF ONTARIO MILLS PARKWAY, EAST OF THE I-15 FREEWAY, WITHIN THE INDUSTRIAL PARK LAND USE DISTRICT OF THE EXCHANGE SPECIFIC PLAN (APN NO: 0238-012-19)**

That the City Council adopt a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Sections 15070 and 15097, and introduce and waive further reading of an ordinance approving an amendment to The Exchange Specific Plan (File No. PSPA16-002).

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PSPA16-002, PMTT16-012 AND PDEV16-016, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-012-19.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA16-002, AN AMENDMENT TO THE EXCHANGE SPECIFIC PLAN TO ESTABLISH THE INDUSTRIAL PARK (IP) LAND USE DEVELOPMENT STANDARDS, REGULATIONS AND DESIGN GUIDELINES FOR 10.59 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF ONTARIO MILLS PARKWAY, EAST OF THE I-15 FREEWAY, WITHIN THE INDUSTRIAL PARK LAND USE DISTRICT OF THE EXCHANGE SPECIFIC PLAN. (RELATED FILE NOS. PMTT16-012 AND PDEV16-016), AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0238-012-19.

## **STAFF MATTERS**

City Manager Boling

## **COUNCIL MATTERS**

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

## **ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**September 20, 2016**

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 0210-204-19; 945 North Via Alba; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Lewis Acquisition Company, LLC; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: \_\_\_\_\_

Reported by:

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

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A RESOLUTION APPROVING FINAL TRACT MAP NO. 18857 LOCATED AT THE SOUTHWEST CORNER OF FIFTH STREET AND HELLMAN AVENUE**

**RECOMMENDATION:** That the City Council adopt a resolution approving Final Tract Map No. 18857 located at the southwest corner of Fifth Street and Hellman Avenue.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the Growth and Evolution of the City's Economy

**FISCAL IMPACT:** None. All public infrastructure improvements required for this subdivision have been constructed.

**BACKGROUND:** Final Tract Map No. 18857 consisting of one residential lot for condominium purposes located on the existing 27.15 acres Lamplighter Ontario Mobile Home Park site, as shown on the attached Exhibit A, has been submitted by Lamplighter Ontario Associates, LP of Kent, Washington (Mr. Thomas E. Morgan III, President).

Tentative Tract Map No. 18857 was approved by the Planning Commission on August 28, 2012.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

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

Prepared by: Naiim Khoury  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

2



# EXHIBIT A TR - 18857



LOCATION MAP  
N.T.S.



PREPARED BY:



CITY OF ONTARIO  
ENGINEERING DEPARTMENT

APPLICANT: LAMPLIGHTER ONTARIO ASSOCIATES, L.P.,  
PROJECT: TRACT MAP NO. 18857

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18857 LOCATED AT THE SOUTHWEST CORNER OF FIFTH STREET AND HELLMAN AVENUE.

WHEREAS, Tentative Tract Map No. 18857 for condominium purposes, submitted for approval by Lamplighter Ontario Associates, LP, of Kent, Washington (Mr. Thomas E. Morgan III, President) was approved by the Planning Commission of the City of Ontario on August 28, 2012; and

WHEREAS, Final Tract Map No. 18857, consisting of one (1) parcel, being a subdivision of a portion of Lots 27 and 30, Township 1 South, Range 7 West, San Bernardino Base and Meridian, in the City of Ontario, County of San Bernardino, State of California, according to Map of Cucamonga Lands, as per Plat Recorded in Book 4, Page 9 of Maps, Recorded in said County; and

WHEREAS, there are no public improvements required for Final Tract Map No. 18857; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Final Tract Map No. 18857 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18913-2 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET**

**RECOMMENDATION:** That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No 18913-2 located at the southeast corner of Archibald Avenue and Parkview Street within the Subarea-29 Specific Plan area.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

Invest in the Growth and Evolution of the City's Economy

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

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

**FISCAL IMPACT:** None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

**BACKGROUND:** Final Tract Map No. 18913-2, consisting of two numbered lots and three lettered lots on 24.86 acres, has been submitted for approval by the developer, SL Ontario Development Company, LLC, a Delaware Limited Liability Company (Mr. Sage McCleve, Project Manager). Final Tract Map No. 18913-2 is the second phase of the approved six-phase Tentative Tract Map No. 18913. Final Tract Map No. 18913-2 is located on the southeast corner of Archibald Avenue and Parkview Street as shown on the attached Exhibit A.


Tentative Tract Map No. 18913 was approved by the Planning Commission on August 27, 2013 and is consistent with the adopted Subarea 29 Specific Plan.

Improvements will include AC pavement, curb, gutter, landscaped parkways, neighborhood edges, fiber optic conduits, sidewalk, fire hydrants, sewer, water and recycled water mains, storm drain, street lights

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

Prepared by: Manoj Hariya, PE

Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

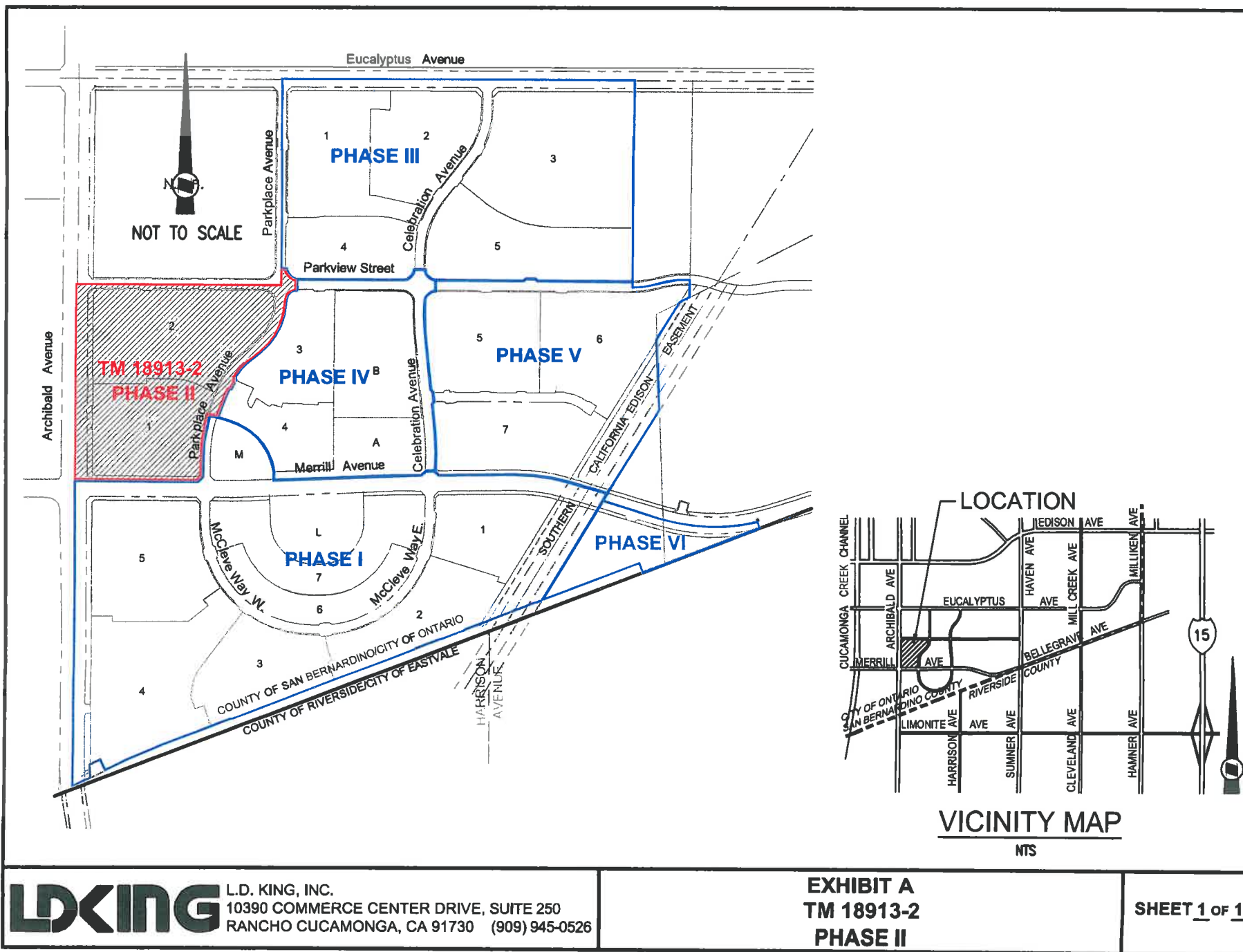
Continued to: \_\_\_\_\_

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

3

and a traffic signal. The improvements in parkway landscaping will be consistent with current City approved drought measures. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure construction of the required public improvements.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.



L.D. KING, INC.  
10390 COMMERCE CENTER DRIVE, SUITE 250  
RANCHO CUCAMONGA, CA 91730 (909) 945-0526

**EXHIBIT A**  
**TM 18913-2**  
**PHASE II**

**SHEET 1 of 1**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18913-2, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET.

WHEREAS, Final Tract Map No. 18913-2 is the second phase of the six-phase Tentative Tract Map No. 18913; and

WHEREAS, Tentative Tract Map No. 18913 was submitted for approval by the developer, SL Ontario Development Company, LLC, a Delaware Limited Liability Company, consisting of 7 numbered lots and 14 lettered lots, being a subdivision of Tract Map 17821 as recorded in book 333 of maps, pages 64 through 77, official records, in the County of San Bernardino, State of California, was approved by the Planning Commission of the City of Ontario on August 27, 2013; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18913-2, said subdivider has offered the improvement agreement together with good and sufficient improvement security, in conformance with City Attorney's approved format , for approval and execution by the City; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follow:

1. That said Improvement Agreement be, and the same is, approved and the City manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18913-2, be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2016-   duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: A RESOLUTION APPROVING FINAL TRACT MAP NOS. 18996 AND 18996-1  
LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD  
AND HAVEN AVENUE**

**RECOMMENDATION:** That the City Council adopt a resolution approving Final Tract Map Nos. 18996 and 18996-1 located at the northwest corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
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

**FISCAL IMPACT:** None. All public infrastructure improvements required for these subdivisions will be constructed by the developer at its sole cost per Tract Map Nos. 18922-1 through 18922-3 and 18991 through 18994.

**BACKGROUND:** Final Tract Map No. 18996 consisting of one residential lot for thirty-five (35) condominium units located on 1.94 acres and Final Tract Map No. 18996-1 consisting of one residential lot for fifty-six (56) condominium units located on 3.10 acres, as shown on the attached Exhibit A, has been submitted by the developer Brookcal Ontario, LLC of Costa Mesa, California (Mr. Richard T. Whitney, President).

Improvements for Final Tract Map Nos. 18996 and 18996-1 will be constructed per the previously approved Final Tract Map Nos. 18922-1 through 18922-3 (A-Map) and Tract Map Nos. 18991 through 18994 (B-Maps).

Tentative Tract Map No. 18996 for the above mentioned final maps was approved by the Planning Commission on June 28, 2016 and is consistent with The Avenue Specific Plan. Per Section 66456.1 of the Subdivision Map Act, the subdivider may file multiple final maps on one tentative map. Therefore,

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

Prepared by: Naiim Khoury

Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

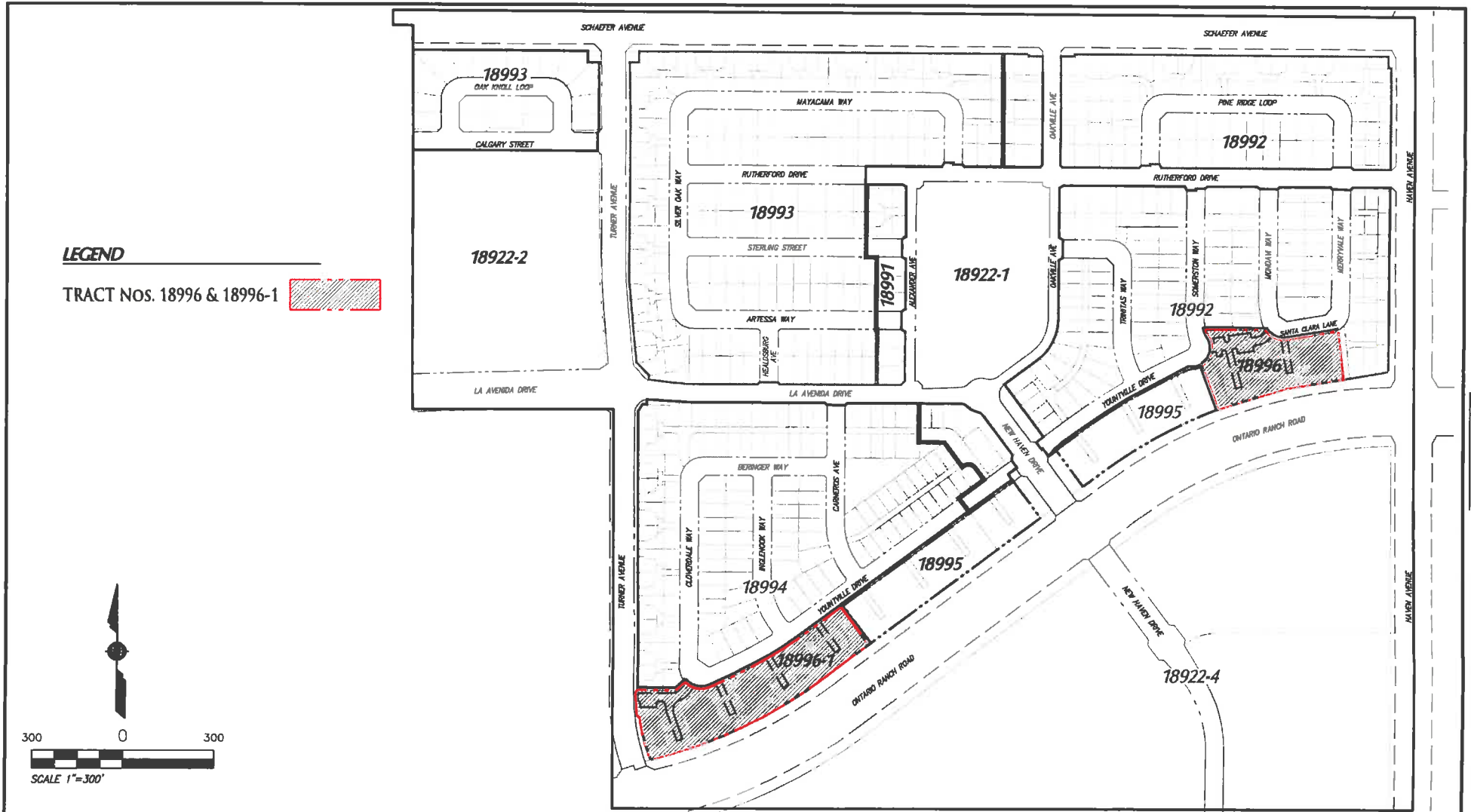
Continued to: \_\_\_\_\_

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

4

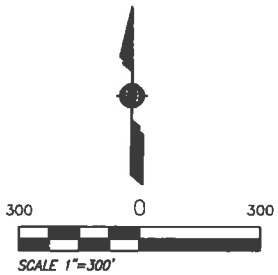
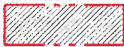
the subdivider has submitted Final Tract Map Nos. 18996 and 18996-1 based on the approved Tentative Tract Map No. 18996.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.



**LEGEND**

TRACT NOS. 18996 & 18996-1



**PREPARED BY:**



**ENGINEERING  
LAND PLANNING  
SURVEYING**

357 N. SHERIDAN STREET  
SUITE 117  
CORONA, CALIFORNIA 92880  
TEL. (951) 279-1800  
FAX (951) 279-4380

**APPLICANT/OWNER:**

BROOKFIELD HOLIDAY LLC  
2300 PARK CENTER DRIVE, STE 1000  
COSTA MESA, CA 92626

**CITY OF ONTARIO  
ENGINEERING DEPARTMENT**

FILE NO. PM-18996

**EXHIBIT A  
TRACT MAP NO. 18996 & 18996-1**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NOS. 18996 AND 18996-1 LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

WHEREAS, Tentative Tract Map No. 18996 for condominium purposes, submitted for approval by the developer, Brookcal Ontario, LLC of Costa Mesa, California (Mr. Richard T. Whitney, President) was approved by the Planning Commission of the City of Ontario on June 28, 2016; and

WHEREAS, Tentative Tract Map No. 18996, consisting of two (2) parcels, being a subdivision of all of Lot 226 as shown on Tract No. 18992, recorded in Book 342, Pages 95 through 103, inclusive, of Maps, Records of the County of San Bernardino, State of California, lying with Section 14, Township 2 South, Range 7 West, S.B.M., and being a subdivision of all of Lot 138 as shown on Tract No. 18994, recorded in Book 343, Pages 10 through 16, inclusive, of Maps, Records of the County of San Bernardino, State of California, lying with Section 14, Township 2 South, Range 7 West, S.B.M.; and

WHEREAS, per Section 66456.1 of the Subdivision Map Act, the subdivider may file multiple final maps on one tentative map, and the subdivider has submitted final Tract Map Nos. 18996 and 18996-1 based on the approved Tentative Tract Map No. 18996; and

WHEREAS, all necessary public improvements for Final Tract Map Nos. 18996 and 18966-1 will be constructed per the previously approved Final Tract Map Nos. 18922-1 through 18922-3 (A-Map) and Tract Map Nos. 18991 through 18994 (B-Maps); and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Final Tract Map Nos. 18996 and 18966-1 shall be approved and that the City Clerk be authorized to execute the statements thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September 2016.

---

PAUL S. LEON, MAYOR



ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS OF WAY AND PUBLIC SERVICE EASEMENTS IN A PORTION OF PARKPLACE AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN**

**RECOMMENDATION:** That the City Council adopt a resolution ordering the summary vacation of the rights of way and public service easements in a portion of Parkplace Avenue and reconveying any of the City's interest therein and authorize the City Manager to execute the documents necessary to evidence the vacation and the reconveyance of the City's interest therein.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

Invest in the Growth and Evolution of the City's Economy

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

**FISCAL IMPACT:** None. The City did not pay to acquire the subject property. There will be no revenue as a result of the reconveyance. The applicant has paid applicable processing fees to defray the City's cost to process this request.

**BACKGROUND:** Parkplace Avenue was offered for dedication in fee simple to the City for street and public utility purposes by the subdivider, SL Ontario Development Company, LLC, as one of the requirements for the development of Tract Map No. 17821 within the Subarea 29 Specific Plan area (Exhibit A). Due to the revisions to the site plan, a portion of Parkplace Avenue will not be needed for any present or future street and/or public utility purposes. SL Ontario Development Company has requested the City to vacate that portion of Parkplace Avenue and reconvey the vacated portion to the company.

Section 66477.5(c) of the California Government Code requires the City to reconvey the subject property in interest to the subdivider if the dedication was made in fee simple and the City has determined that the same public purpose for which the dedication was required no longer exist. Since the

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

Prepared by: Manoj Hariya, P.E.

Department: Engineering

City Manager

Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

5

subdivider offered the right of way in fee simple, and this portion of Parkplace Avenue is not required for street and/or public utility purposes, the City will reconvey the subject property to the subdivider.

Sections 8330-8336 of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) excess public service easement or right of way of a street not required for street or highway purposes.

This summary vacation and reconveyance meets the California Government Code, Streets and Highways Code, and Ontario Municipal Code and has been reviewed and approved by the City Attorney.

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO,  
STATE OF CALIFORNIA

**NEW STREET ENTRANCE  
INTO TRACT**

**PARKVIEW STREET**

EUCALYPTUS AVENUE

ARCHIBALD AVENUE

MERRILL AVENUE

SCALE:  1"=100'

**EXHIBIT A**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS OF WAY AND PUBLIC SERVICE EASEMENTS IN A PORTION OF PARKPLACE AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

WHEREAS, SL Ontario Development Company, LLC offered for dedication to the City of Ontario, for right of way purposes, in fee simple, certain property located within the City, commonly known as Parkplace Avenue, and consisting of an area more specifically described and depicted in the attached Exhibit A and B ("Property"); and

WHEREAS, such offer was made on Final Map No. 17821, and the City has accepted the offer of dedication; and

WHEREAS, the Property was originally intended to be developed for street and road purposes, but never has been so developed, and changes in the planned development patterns for the vicinity of the Property have rendered the Property unnecessary for such purposes; and

WHEREAS, this vacation of the rights of way and any public service easement on the Property is made pursuant to the requirements of California Streets and Highways Code, Division 9 - Change of Grade and Vacation, Part 3 - Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code sections 8300 et seq.), Chapter 4 - Summary Vacation; and

WHEREAS, the California Government Code requires the City to reconvey the subject property in interest to the subdivider if the dedication was made to the City in fee simple and the City has determined that the same public purpose for which the dedication was required no longer exist; and

WHEREAS, the California Government Code provides that offers for dedication that are made on a final map may be terminated and abandoned by way of the "summary vacation" process set forth in the California Streets and Highways Code; and

WHEREAS, Section 8334(a) of the California Streets and Highways Code authorizes the City to summarily vacate (by resolution with no public hearing) excess public service easement or right of way of a street not required for street or highway purposes; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California:

1. That the above recitals are true and correct.
2. That title to the portion of Parkplace Avenue more specifically described in Exhibit A and depicted on Exhibit B is hereby vacated and shall be reconveyed to the subdivider SL Ontario Development Company, LLC.
3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.
4. That upon the recordation required hereby, the vacation is complete, and the street and any public service easements vacated no longer constitute a street or public service easement.
5. That the City Manager is authorized to execute the documents necessary to evidence the vacation and reconveyance of the City's interest in the Property to the subdivider, SL Ontario Development Company, LLC.

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

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY



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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2016-        duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

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

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **V-265 VACATION**

THAT PORTION OF PARKPLACE AVENUE, TRACT MAP NO. 17821, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 333, PAGES 64 THROUGH 77, OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT Y OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE NORTHWESTERLY RIGHT OF WAY OF PARKPLACE AVENUE; THENCE NORTH  $03^{\circ}59'09''$  EAST ALONG SAID RIGHT OF WAY, 9.76 FEET; THENCE NORTH  $46^{\circ}10'54''$  EAST ALONG SAID RIGHT OF WAY, 60.00 FEET; THENCE NORTH  $87^{\circ}51'01''$  EAST ALONG SAID RIGHT OF WAY, 19.46 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET NORTHWESTERLY OF THE CENTERLINE OF SAID PARKPLACE AVENUE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, AND HAVING A RADIUS OF 370.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH  $50^{\circ}36'31''$  EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND PARALLEL LINE THROUGH A CENTRAL ANGLE OF  $12^{\circ}16'16''$  AN ARC DISTANCE OF 79.24 FEET; THENCE SOUTH  $51^{\circ}39'45''$  WEST ALONG SAID PARALLEL LINE, 9.74 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT OF WAY; THENCE NORTH  $03^{\circ}59'09''$  EAST ALONG SAID RIGHT OF WAY, 9.47 FEET TO THE SAID MOST NORTHERLY CORNER OF LOT Y AND THE POINT OF BEGINNING.

CONTAINING 1,114 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



CARLA E. BERARD, PLS 7224

7-25-16

DATE



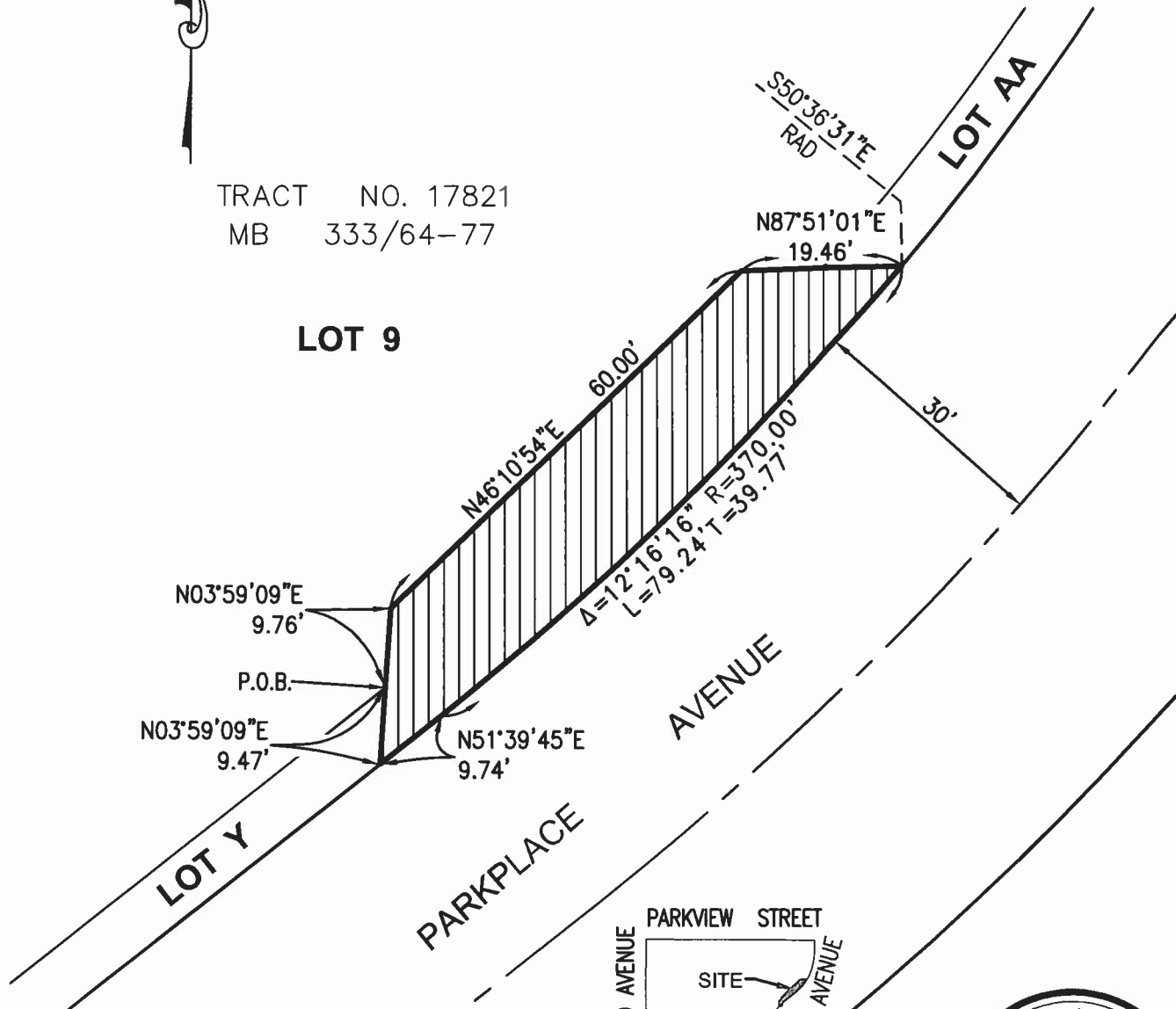
**EXHIBIT B**

Vacation  
V-265

SCALE: 1"=20'

TRACT NO. 17821  
MB 333/64-77

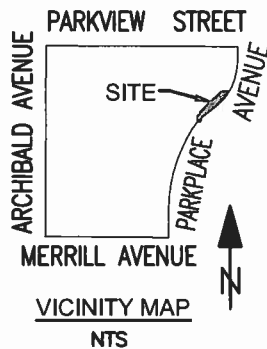
**LOT 9**



**LEGEND**



INDICATES AREA FOR PUBLIC STREET AND  
UTILITY PURPOSES TO BE VACATED  
1,114 SQUARE FEET



**LDKING**  
Engineers/Planners/Surveyors

10390 Commerce Center Drive  
Suite 250  
Rancho Cucamonga, CA 91730  
Phone: (909) 945-0526

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

# **CITY OF ONTARIO**

*Agenda Report*  
**September 20, 2016**

## **SECTION: CONSENT CALENDAR**

**SUBJECT: RECOGNITION OF NATIONAL PREPAREDNESS MONTH**

**RECOMMENDATION:** That the City Council recognize the month of September 2016 as National Preparedness Month in the City of Ontario.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety

**FISCAL IMPACT:** None.

**BACKGROUND:** For the twelfth consecutive year, the Federal Emergency Management Agency (FEMA) has announced September as National Preparedness Month (NPM). The goal of NPM is to build awareness and encourage Americans to prepare for emergencies in their homes, businesses, schools, and communities. NPM is managed and sponsored by FEMA's Ready Campaign. The Ready Campaign works closely with Citizen Corps and the Ad Council to increase national emergency preparedness awareness across the nation.

During NPM residents are encouraged to plan for an emergency by making a family emergency plan, become informed about the different types of emergencies/disasters that could occur in their community, build an emergency supply kit, and get involved in City of Ontario CERT training. All residents are encouraged to visit the City of Ontario's website for additional information regarding emergency plans, hazard mitigation, family emergency kits, and general emergency preparedness guidance.

**STAFF MEMBER PRESENTING:** Rob Elwell, Fire Chief

Prepared by: Anthony Coletta

Department: Fire

City Manager

Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: RECOGNITION OF OCTOBER 9-15, 2016 AS "NATIONAL FIRE PREVENTION WEEK"**

**RECOMMENDATION:** That the City Council recognize the week of October 9-15, 2016 as "National Fire Prevention Week" in the City of Ontario and invite the public to attend the Ontario Fire Department Open House to be held on October 1, 2016.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Encourage, Provide or Support Enhanced Recreational, Education, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** The Fiscal Year 2016-17 Adopted Budget includes appropriations for the minimal staff and materials cost associated with the annual Ontario Fire Department Open House.

**BACKGROUND:** "National Fire Prevention Week" commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings. Every year since 1925, the President of the United States has signed a proclamation pronouncing a national observance during Fire Prevention Week.

The National Fire Protection Association announced Fire Prevention Week 2016 to be observed throughout the nation on October 9-15. Their theme, "Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" will also be the theme at the Ontario Fire Department Open House on Saturday, October 1, 2016, from 9:00 a.m. until 2:00 p.m. at the Ontario Fire Department Training Facility located at 1408 East Francis Street.

This year's theme actively works to motivate Ontario residents to take actions to keep their homes and family safe from fire. This annual observance serves as a way to keep the public informed about the importance of fire prevention.

**STAFF MEMBER PRESENTING:** Rob Elwell, Fire Chief

Prepared by: Art Andres  
Department: Fire

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2015-16**

**RECOMMENDATION:** That the Board of the Ontario Housing Authority approve the Ontario Housing Authority Annual Report for Fiscal Year 2015-16 ("OHA Annual Report") (on file in the Records Management Department), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the final Annual Report as required by State law.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** None.

**BACKGROUND:** In accordance with Health and Safety Code ("HSC") Sections 34328 and 34328.1, the Ontario Housing Authority (OHA) must prepare a complete report of its activities during the previous fiscal year. The OHA Annual Report must be filed with the City Clerk and submitted to the California Department of Housing and Community Development ("HCD").

The OHA Annual Report has been prepared to comply with the requirements of HSC Sections 34328, 34328.1, and 34312.3, which require the following information:

- HSC Section 34312.3 requires that an annual report provide a complete report of activities taken during the prior fiscal year;
- HSC Section 34312.3 requires that housing authorities show compliance with the following requirements:
  - Minimum amount of housing units affordable to lower income households in housing projects assisted;

**STAFF MEMBER PRESENTING:** Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Julie Bjork  
Department: Housing/Municipal Services

City Manager  
Approval:



Submitted to Council/O.H.A. 09/20/2016

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

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

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

8

- Documentation regarding any minimum and maximum rent requirements for lower income households pursuant to State and Federal requirements; and
- HSC Section 34328.1 requires data on termination of tenancies due to domestic violence in housing authority units and summary of actions taken by housing authorities to address termination of tenancies resulting from domestic violence.

All of the Ontario Housing Authority's properties meet all of the affordability requirements.

Subsequent to Board approval of the OHA Annual Report, staff will submit the final report to HCD.



# **ONTARIO HOUSING AUTHORITY**

## **Annual Report for Fiscal Year 2015-16**

**Prepared by the  
Ontario Housing Authority  
208 West Emporia Street  
Ontario, CA 91762  
(909) 395-2006**



# **ONTARIO HOUSING AUTHORITY**

## **Annual Report for Fiscal Year 2015-16**

### **I. INTRODUCTION**

Pursuant to California Health and Safety Code (“HSC”) 34328, all housing authorities must file annually with their respective City or County Clerk and with the California Department of Housing and Community Development (“HCD”) a report (“Annual Report”) of its activities for the preceding year.

#### **A. ANNUAL REPORT CONTENTS**

This Annual Report has been developed to comply with the reporting requirements of HSC 34328 and 34328.1, including:

- i. To provide a complete report of activities during FY 2015-16 including: any bond issuances; loans, or finance agreements that the Ontario Housing Authority (“Authority”) has entered into; and properties acquired, sold, developed, rehabilitated, or leased;
- ii. To report on compliance with the requirements of HSC 34312.3 such as the minimum amount of housing units affordable to lower income households in projects assisted by the Authority, and establishment of base rents and/or maximum rental payments for lower income households; and
- iii. To document any domestic violence tenancy terminations or Section 8 voucher terminations as required by HSC 34328.1

### **II. AUTHORITY ACTIVITIES SUBJECT TO HSC 34312.3**

Pursuant to HSC Section 34312.3, the Authority must provide a complete report of its activities taken during the prior fiscal year, which includes bonds, loans, and financing agreements for multi-family rental projects.

#### **A. BONDS FOR MULTI-FAMILY HOUSING**

During FY 2015-16, the Authority did not issue any bonds.

#### **B. LOANS FOR MULTI-FAMILY HOUSING**

During FY 2015-16, the Authority did not enter into any loans.

#### **C. FINANCING AGREEMENTS**

During FY 2015-16, the Authority did not enter into any financing agreements.

## D. AUTHORITY OWNED ASSETS

The Authority owns 68 rental units, a former mobile home park, three sites with long term ground leases for affordable housing, and various parcels for future housing development.

Listed below is a list of the Authority owned real estate assets:

Authority Owned Assets			
Development Name	Site Address	APN	Current Use
<b>Continuum of Care Permanent Housing Units</b>	Begonia Apartments (209, 216, 217, 222, 223, 228, and 231 N. Begonia Ave.)	1010-521-15, -18, -14, -19, -13, -20, and -12	Affordable Housing
	Begonia Apartments (305 N. Begonia Ave.)	1010-521-11	Leased to Mercy House CHDO
	Francis Apartments (307-311 W. Francis St.)	1050-371-24	Leased to Mercy House CHDO
	Guadalupe Residence (411 N. Parkside Ave.)	1048-452-10	Leased to Mercy House
<b>Emporia In-Fill Site</b>	401 W. Holt Blvd.	1049-051-01	Vacant Land
	402 W. Holt Blvd.	1049-051-02	
	113 S. Vine Ave.	1049-051-03	
	205 1/2 S. Vine Ave.	1049-052-03	
	210 S. Fern Ave.	1049-052-04	
	215 S. Vine Ave.	1049-052-05	
	415 W. Transit St.	1049-052-09	
	209 S. Vine Ave.	1049-052-06	
	205 S. Vine Ave.	1049-052-07, and -08	
	201 S. Vine Ave.	1049-052-10	
	325 W. Transit St.	1049-054-02	
	301 W. Transit St.	1049-054-03	
	303 W. Emporia St.	1049-059-07	
	110 E. Maitland St.	1049-511-03	
	1004 S. Euclid Ave.	1049-563-10	
<b>Euclid In-Fill</b>	1325 S. Euclid Ave.	1049-531-02	Vacant Land
	1329 S. Euclid Ave.	1049-531-01	
	1165 W. Hollowell St.	1010-521-03	
	1125 E. Holt Blvd.	1048-472-01	
<b>Hollowell Apartments</b>	116 N. Virginia Ave.	1048-472-02	Vacant Land
	120 N. Virginia Ave.	1048-472-03	
	126 N. Virginia Ave.	1048-472-04	
	1131 E. Nocta St.	1048-472-11	
	905 E. Holt Blvd.	1048-481-08	
<b>Holt and Virginia Infill Housing</b>	115-115 1/2 S. Sultana Ave.	1049-091-11	Vacant Land
	1038 E. Fourth St.	1048-131-52	Vacant Land
	908 S. Oakland Ave.	1049-323-12, and -13	Vacant Land
<b>Mission and Oakland Infill Housing</b>	905 - 907 S. San Antonio Ave.	1049-323-06	
	911 S. San Antonio Ave.	1049-323-07, and -08	
<b>Mountain View Senior Apartments Phase II</b>	511 N. Palmetto Ave.	1010-461-08	Ground Lease
<b>Ontario Town Square A-1</b>	128 N. Euclid Ave.	1048-553-01	Vacant Land

Authority Owned Assets			
Development Name	Site Address	APN	Current Use
	115 N. Lemon Ave.	1048-553-05	
	127 E. Holt Blvd.	1048-553-06	
	123 E. Holt Blvd.	1048-553-07	
	117 N. Euclid Ave.	1048-553-08	
	115 E. Holt Blvd.	1048-553-09	
	0 N. Euclid Ave.	1048-553-10	
	110 N. Euclid Ave.	1048-553-11	
	110, 110 1/2, 112, 114 N. Euclid Ave.	1048-553-12	
	114-116 N. Euclid Ave.	1048-553-13	
	118 N. Euclid Ave.	1048-553-14	
	120 N. Euclid Ave.	1048-553-15	
Ontario Town Square B-1	240 N. Euclid Ave.	1048-552-17	Various Uses
	216 N. Euclid Ave.	1048-552-16	
	"C" Street	1048-552-15	
	109 E. "B" St.	1048-552-19	
Ontario Town Square C-1	116 E. "D" St.	1048-551-10	Vacant Land and Parking Lots
	308 N. Euclid Ave.	1048-551-11	
	334 N. Euclid Ave.	1048-551-12	
	127 E. "C" St.	1048-551-13	
Palm Terrace Senior Apartments Phase II	1449 E. "D" St.	0110-254-78	Ground Lease
State Street	1034 E. State St.	1049-194-07	Vacant Land
Seasons at Gateway	955 N. Palmetto Ave	1010-141-08	Ground Lease
Vesta Apartments	520 – 526 ½ W. Vesta St.	1048-581-58	Affordable Housing
Vesta Apartments	1164 W. Vesta St.	1010-521-02	Affordable Housing

## E. DEVELOPED AND/OR REHABILITATED HOUSING PROJECTS

During this reporting period, the Authority did not perform any rehabilitation activities.

## F. SPECIAL PROGRAMS

During this reporting period, the Authority was one of the lead agencies in operating Ontario's Continuum of Care. Listed on the following page is a description of the operated the following special programs:

### i. Continuum of Care

Through a partnership with the City of Ontario and Mercy House, the Authority is implementing Ontario's Continuum of Care, which has been designed to provide a comprehensive homeless strategy to assist homeless individuals and families in becoming self-sufficient. This comprehensive Continuum of Care was developed during FY 2004-05. The final component of the Continuum of Care, the Ontario Access Center was completed during FY 2013-14. The City, the Authority, and Mercy House continue to work together to implement this strategy to address homelessness within Ontario. This strategy provides for a full-service intake center, up to 34 transitional housing beds, and 62 permanent housing units for homeless individuals and families.

In addition, the Authority worked cooperatively with the Housing Authority of the County of San Bernardino, the County of San Bernardino Department of Behavioral Health, and Mercy House to administer 12 Shelter Plus Care (S+C) vouchers that are available to provide rental subsidies and wrap around supportive services for mentally ill homeless individuals and families. These 12 S+C vouchers are restricted to 12 units within the Continuum of Care's permanent housing unit inventory. With all of the agencies working together, the Housing Authority of the County of San Bernardino was able to obtain a one-year extension on this contract that was set to expire on September 30, 2016.

### **III. HOUSING COMPLIANCE**

As set forth by HSC Sections 34328 and 34328.1, the Authority is required to:

- Show compliance with requirements of HSC Section 34312.3 such as the minimum amount of housing units affordable to lower income in projects assisted by the Authority, and document established base rents and/or maximum rental payment for lower income households; and
- Document any domestic violence tenancy or Section 8 voucher termination as required by HSC Section 34328.1.

#### **A. HOUSING AFFORDABILITY REQUIREMENT**

Pursuant to HSC Section 34312.3, not less than 20 percent of the units assisted by the Authority, or 15 percent in targeted areas, as defined by Section 103(b) (12)(A) of Title 26 of the United States Code, must be affordable to persons of low income. Of that amount, not less than one-half must be available to persons of very low-income, if the housing development is financed by bonds.

As shown in the tables on the following pages, the Authority complies with the established affordability requirements of HSC Section 34312.3.

Multi-Family Residential Real Estate Assets (Owned or assisted by the Authority)									
Project Name	Location	Funding Source	Building Owner	Project Type	Affordability Restrictions				
					VL	Low	Mod	PM	Total
Continuum of Care Permanent Housing Units (Begonia Apartments) <sup>1, 2, 3</sup>	209, 216, 217, 222, 223, 228, and 231 N. Begonia Ave.	HOME, LMIHF, NSP1, and NSP3	Authority	Family Rental	15	13	0	0	28
Continuum of Care Permanent Housing Units (Begonia Apartments)	305 N. Begonia Ave.	HOME, and LMIHF	Leased to Mercy House CHDO	Family Rental	0	4	0	0	4
Homeless Continuum of Care Permanent Housing Units (Francis Apartments) <sup>4, 5</sup>	307, 309, 311 W. Francis St.	HOME and LMIHF	Leased to Mercy House CHDO	Family Rental	6	8	1	0	15
Hollowell Apartments	1165 W. Hollowell St.	HOME and NSP3	Authority	Family Rental	2	1	0	1	4
Ideal Mobile Home Park	905 E. Holt Blvd.	LMIHF	Authority	Former Mobile Home Park	0	0	0	0	0
Mountain View Senior Apartments Phase II (Ground Lease)	511 N. Palmetto Ave.	LIHTC, LMIHF, and Private Financing	Ontario Housing Investors II, LP	Senior Rental	16	4	0	0	20
Palm Terrace Senior Apartments (Ground Lease)	1449 E. "D" St.	HOME and Section 202	D Street Senior Housing, Inc.	Senior Rental	47	0	0	47	48
Vesta Apartments <sup>6</sup>	520 W. Vesta St.	HOME and CDBG	Authority	Family Rental	3	2	1	0	6
Vesta Apartments	1164 W. Vesta St.	HOME and NSP3	Authority	Family Rental	0	4	0	0	4
<b>TOTAL</b>					<b>89</b>	<b>36</b>	<b>2</b>	<b>2</b>	<b>129</b>
<b>Percentages</b>					<b>69%</b>	<b>28%</b>	<b>1.5%</b>	<b>1.5%</b>	<b>100%</b>
	<sup>1</sup> Nine moderate-income units are being assisted through Project Gateway (S+C) rental subsidies, which allows eight units to be classified as very low-income units and one unit to be classified as a low-income unit pursuant to Section 34312.3(c)(6)(A)								
	<sup>2</sup> One moderate-income unit is being assisted through HOME Tenant Based Rental Assistance (TBRA) rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)								
	<sup>3</sup> Two moderate-income units are being assisted through Housing Choice Voucher rental subsidies, which allows one unit to be classified as a very low-income unit and another unit to be classified as a low-income unit pursuant to Section 34312.3(c)(6)(A)								
	<sup>4</sup> Three moderate-income units are being assisted through Project Gateway (S+C) rental subsidies, which allows those units to be classified as very low-income units pursuant to Section 34312.3(c)(6)(A)								
	<sup>5</sup> One moderate-income unit is being assisted through HOME Tenant Based Rental Assistance (TBRA) rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)								
	<sup>6</sup> One moderate-income unit is being assisted through Housing Choice Voucher rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)								

Multi-Family Residential Real Estate Assets (Transferred to the Authority from the former Agency)									
Project Name	Location	Funding Source	Building Owner	Project Type	Affordability Restrictions				
					VL	Low	Mod	PM	Total
Continuum of Care Permanent Housing Units (Guadalupe Residence) <sup>1, 2</sup>	411 N. Parkside St.	LMIHF	Leased to Mercy House	Family Rental	1	1	5	1	8
Seasons at Gateway (Ground Lease)	955 N. Palmetto Ave.	LIHTC, LMIHF, Tax Exempt Bonds, HOME, LMIHF, NSP1, and NSP3	Ontario Senior Housing, LP	Senior Housing	32	46	0	2	80
<b>TOTAL</b>					<b>33</b>	<b>47</b>	<b>5</b>	<b>3</b>	<b>88</b>
<b>Percentages</b>					<b>38%</b>	<b>53%</b>	<b>6%</b>	<b>3%</b>	<b>100%</b>
	<sup>1</sup> One moderate-income unit is being assisted through Project Gateway (S+C) rental subsidies, which allows this unit to be classified as very low-income unit pursuant to Section 34312.3(c)(6)(A)								
	<sup>2</sup> One moderate-income unit is being assisted through Housing Choice Voucher rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)								



## B. MINIMUM AND MAXIMUM RENTS

HSC Section 34312.3(c) establishes a set of guidelines to determine base and maximum rents that a housing authority can charge for units reserved for lower income households. According to HSC Section 34312.3(c)(2)(B), rental payments for very low-income units shall not exceed the amount derived by multiplying 30 percent time 50 percent of the median adjusted for family size, as determined pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). At this time, the Authority has not established a schedule of base rental payment.

Listed in the table below are the maximum gross rents that were established for 2015 Successor Housing Entities monitoring projects that were previously funded with LMIHF unless there were other affordable housing definitions included in the regulatory agreements transferred to the Authority:

LMIHF-FUNDED PROJECTS					
	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
<b>Very Low Income (50% of AMI)</b>	\$569	\$650	\$731	\$813	\$878
<b>Low Income (80% of AMI)</b>	\$683	\$780	\$878	\$975	\$1,053
<b>Moderate Income (120% of AMI)</b>	\$1,251	\$1,430	\$1,609	\$1,788	\$1,931

In general, the above rental amounts are calculated as follows:

- For extremely low income units, the maximum rental amount is the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit;
- For very low income units, the maximum rental amount is the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit;
- For low income units, the maximum rental amount is the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit.
- For moderate income units, the maximum rental amount is the product of 30 percent time 110 percent of the area median income adjusted for family size appropriate for the unit.

Listed in the table below are the maximum gross rents that were established for 2015 HOME funded projects:

HOME-FUNDED PROJECTS					
	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
<b>Low HOME Rent</b>	\$586	\$628	\$753	\$871	\$972
<b>High HOME Rent</b>	\$748	\$802	\$964	\$1,105	\$1,214

#### **IV. DOMESTIC VIOLENCE**

State law requires that a housing authority annually disclose data related to domestic violence incidents in units owned or operated by the housing authority. Specifically, the data must include:

- Data on termination of tenancies and/or Section 8 vouchers of victims of domestic violence in housing authority units; and
- Summary of steps taken by the housing authority to address any termination of tenancies and/or Section 8 vouchers of victims of domestic violence.

The Authority did not terminate tenancies for domestic violence during FY 2014-15. In the future, information on any terminations of this kind will be presented under separate cover to protect the privacy of the parties involved.



# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: CONSTRUCTION CONTRACT FOR THE MONUMENT SIGN REPLACEMENT AT THE ONTARIO MUSEUM OF HISTORY AND ART**

**RECOMMENDATION:** That the City Council award Contract No. MU 1516-02 (on file with the Records Management Department) to A Good Sign and Graphics Company of Santa Ana, California in the amount of a \$148,063, including a 15% contingency; and authorize the City Manager to execute the contract, other related documents necessary to implement said contract and to file a notice of completion at the conclusion of all construction activities related to the project.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)  
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** The estimated cost of the proposed construction contract is \$128,750, plus a 15% contingency of \$19,313 for a total authorized amount of \$148,063. The Adopted Capital Improvement Projects budget for Fiscal Year 2016-17 includes appropriations totaling \$108,000 for the new monument sign project. If approved, additional appropriations in the amount of \$40,063 will be included in the next quarterly budget report to City Council.

**BACKGROUND:** The capital improvement project includes the construction and installation of two new museum monument signs, four banner poles with banners, and an information kiosk. In August 2016, the City issued a request for bids for the Museum Monument Sign Replacement Project. Two bids were received as summarized below:

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
A Good Sign and Graphics Co.	Santa Ana, CA	\$128,750
California Landscape & Design, Inc.	Upland, CA	\$145,749

**STAFF MEMBER PRESENTING:** Mark Chase, Community and Public Services Director

Prepared by: Roberto Perez  
Department: Parks and Maintenance

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

9

Upon review and evaluation of the proposals received, City staff recommends a contract award to A Good Sign and Graphics Co., based upon their experience in this type of project, reference checks, overall pricing and customer service levels. A Good Sign and Graphics Co. has assembled a team for this project that has over 15 years of experience work together on building monument signs, banners and channel letter signage. Recent work by the company is exemplified by projects for San Bernardino Valley College including various monument signs and channel lettering throughout the campus; and West Los Angeles Veteran's Administration Office including several monument signs with concrete pads.

If approved, the project would begin before month-end September and be completed in December 2016.

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2015-16 FISCAL YEAR**

**RECOMMENDATION:** That the City Council:

- (A) Hold a public hearing to receive testimony on the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2015-16 Fiscal Year (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** None.

**BACKGROUND:** The CAPER is a HUD required report providing annual information about the City's utilization of HUD funds for local community development and housing projects. During Fiscal Year 2015-16, a combined total of over \$12.3 million of federal and local funds were expended to implement approximately 41 housing and community development programs and projects. These activities were contained in the City's Fiscal Year 2015-16 One-Year Action Plan, approved on May 5, 2015. Federal funding sources in the CAPER include the following HUD programs: Community Development Grant (CDBG), HOME Investment Partnership (HOME) Program, and Emergency

**STAFF MEMBER PRESENTING:** Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Katryna Gonzalez  
Department: Housing and Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

10

Solutions Grant (ESG) Program. Local funding sources include Ontario Housing Authority funds, Housing Asset funds, and Quiet Home Program funds.

Listed below are key housing and community development projects discussed in the CAPER:

- The City expended approximately \$3.2 million to implement ten infrastructure and community facility activities and two public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Pavement Management Rehabilitation Program, Galvin Park Restroom Renovation, COPS Program, and YMCA Child Care Subsidies.
- More than \$4.1 million was expended to implement 20 housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Quiet Home Program, CIT Emergency Grant Program, CIT Homeowner Occupied Loan Program, and Tenant Based Rental Assistance Program.
- Over \$350,000 was expended as part of the Homeless Strategy to implement six activities. The major projects within this strategy include programs to provide public services for homeless individuals such as Mercy House Continuum of Care, Project Gateway, Sova Hunger Program, Services for Battered Women and Children, and Stepping Stones Program.

Attached is the Executive Summary of the Consolidated Annual Performance and Evaluation Report for FY 2015-16. The Executive Summary provides a summary of expenditures and accomplishments for all CDBG, HOME, and ESG funded activities undertaken to address strategies identified within the Five-Year Consolidated Plan and the One-Year Action Plan, adopted by City Council and May 5, 2015.

The Consolidated Annual Performance and Evaluation Report for FY 2015-16 has been available for public review from September 2, 2016 through September 19, 2016. To date, no comments have been received.

Subsequent to City Council approval of the CAPER, staff will submit the final report to HUD. The deadline to submit the CAPER to HUD is September 28, 2016 (90 days after the end of the fiscal year).

# **CITY OF ONTARIO**

## **Consolidated Annual Performance and Evaluation Report**

### **For the period of July 1, 2015 - June 30, 2016**

#### **EXECUTIVE SUMMARY**

The Consolidated Annual Performance and Evaluation Report (CAPER) provides information to Ontario residents, elected officials, City staff, and the U.S. Department of Housing and Urban Development (HUD) about housing and community development needs, projects, and accomplishments. This report covers activities conducted during Fiscal Year 2015-16 which began July 1, 2015 and ended June 30, 2016. During this period, federal and local funds were used to implement a myriad of housing and community development programs and projects. Each activity supported one or more of the priorities originally presented in the City's five-year Consolidated Plan Document.

The following list highlights key housing and community development activities implemented during FY 2015-16:

- The City of Ontario expended more than \$12.3 million in federal and local funds to administer housing and community development programs.
- More than \$4.1 million was expended to implement 20 housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Quiet Home Program, CIT Emergency Grant Program, CIT Homeowner Occupied Loan Program, and Tenant Based Rental Assistance Program.
- The City expended approximately \$3.2 million to implement ten infrastructure and community facility activities and two public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Pavement Management Rehabilitation Program, Galvin Park Restroom Renovation, COPS Program, and YMCA Child Care Subsidies.
- Over \$350,000 was expended as part of the Homeless Strategy to implement six activities. The major projects within this strategy include, but are not limited to the following: Mercy House Continuum of Care, Project Gateway, Sova Hunger Program, Services for Battered Women and Children, and Stepping Stones Program.

The tables on the following pages demonstrate the breakdown of funds received and expended within each identified strategy: Community (Capital) Development, Housing, Homeless, Special Populations, Fair Housing, and Public Housing.

## FUNDING SOURCES

FUNDING SOURCE	ACTIVITIES FUNDED	ACTUAL AMOUNT RECEIVED/ON HAND FOR FY 2015-16
Community Development Block Grant (CDBG)	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$1,787,737
CDBG Program Income	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$50,268
HOME Investment Partnership (HOME)	Housing rehabilitation.	\$434,607
HOME Program Income	Housing rehabilitation.	\$154,385
Emergency Solutions Grant (ESG)	Essential support services and operating expenses for homeless facilities and programs.	\$160,673
Housing Asset Fund (HAF)	Home ownership assistance, housing acquisition and rehabilitation, and homeless services.	\$849,162
Ontario Housing Authority (OHA)	Housing acquisition, property rehabilitation and maintenance.	\$2,747,061
BEGIN Program Reuse Account	Program provides deferred-payment second mortgage loans to qualified buyers of new homes.	\$62,298
State of California CalHome Program	Program provides downpayment assistance to qualified buyers within eligible census tracts.	\$1,000,000 <sup>1</sup>
<b>TOTAL</b>		<b>\$7,246,191</b>

<sup>1</sup> Full amount of grant reflected. Actual funding not received during FY 2015-16.

## **HOUSING STRATEGY**

<b>Program/Project</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Annual Accomplishment</b>
<i><b>Priority 1: Preserve existing rental and owner-occupied housing resources.</b></i>			
Quiet Home Program (formerly known as Part 150 Noise Compatibility Program)	FAA and LAWA	<b>\$1,648,470</b>	Completed sound insulation work on 99 homes, and relocated 1 household.
CDBG Quiet Home Owner-Occupied Rehabilitation Grant Program	CDBG	\$19,278	Construction was completed on one home in October 2015.
	BEGIN Reuse Funds	\$57,330	
	<b>Subtotal</b>	<b>\$76,608</b>	
Community Improvement Team	CDBG	<b>\$56,484</b>	A total of 282 inspections were completed during the reporting period. Sixteen citations were given, 128 notices issued, and 92 violations abated.
Low-Mod Assisted Housing Developments	N/A	N/A	Continued ongoing monitoring efforts of affordable housing developments consisting of over 1,750 units throughout Ontario.
California Catalyst Community Projects	Other Funds	<b>\$918,275</b>	The California Department of Housing and Community Development awarded the City of Ontario's Downtown Core Catalyst Project (DCCP) as one of only thirteen communities within the State of California as a Catalyst Project. Currently, one project is underway in the DCCP area, the CalHome Mortgage Assistance Program. The Civic Center Community Conservation Park was completed this year (\$918,275 was expended during FY 2015-16).
Guadalupe Residence (412 North Parkside Avenue)	HOME	<b>\$75,318</b>	This project was completed during FY 2014-15. The final unit was leased to an eligible household during FY 2015-16. In addition, a Capital Reserve Agreement was established for this project.

Program/Project	Funding Source	Expenses	Annual Accomplishment
CIT Emergency Grant Program	CDBG	\$0	Program guidelines were developed for this program and the program was marketed to homeowners receiving code violation notices. Two applications were received from qualified homeowners and those projects were begun.
CIT Homeowner Occupied Rehabilitation Loan Program	CDBG	\$0	Program guidelines were developed for this program and the program was marketed to homeowners receiving code violation notices within the targeted neighborhood. No applications were received during FY 2015-16.
<b>TOTAL HOUSING PRIORITY #1</b>		<b>\$2,775,155</b>	
<i>Priority 2: Expand affordable rental housing opportunities, particularly for low-income persons.</i>			
Tenant Based Rental Assistance Program	HOME	\$88,584	A total of nine (9) households were assisted through this program during FY 2015-16. Four (4) households had their TBRA certificates renewed and five (5) households were new clients.
520-526 West Vesta Street	CDBG	\$179,001	The Ontario Housing Authority and City completed the acquisition of this six-unit affordable housing property. In addition, a needs assessment for painting the property was completed and bid documents were drafted. Painting is expected to be completed by January 2017.
Sites for Future Affordable Housing Development	HAF	\$44,376	The Ontario Housing Authority acting as the successor agency to the Ontario Redevelopment Agency and the City of Ontario acting as the successor agency to the Ontario Redevelopment Agency is currently maintaining approximately 11 sites for future development of affordable housing. During FY 2015-16, the Ontario Housing Authority reviewed four submissions from interested developers for one site.
<b>TOTAL HOUSING PRIORITY #2</b>		<b>\$311,961</b>	



Program/Project	Funding Source	Expenses	Annual Accomplishment
<i>Priority 3: Increase affordable homeownership opportunities, particularly for low- and moderate-income persons.</i>			
Extra Credit Teacher Home Purchase Program (CalHFA)	Bond	\$0	No homebuyers were assisted in Ontario during FY 2015-16.
Home Buyer Assistance (County of San Bernardino Mortgage Revenue Bond Program)	Bond Financing	\$908,220	Three (3) Mortgage Credit Certificates (MCCs) were issued for homes in Ontario during FY 2015-16.
Neighborhood Partnership Housing Services (NPHS) Programs	Private Financing	N/A	During FY 2015-16, NPHS provided homeownership services to 129 Ontario residents. Foreclosure prevention assistance was provided to 23 homeowners, 28 first-time Ontario homebuyers received downpayment assistance grants through the WISH program, 66 residents were provided pre-purchase/financial wellness education, and 12 residents received reverse mortgage counseling.  This fiscal year NPHS was not able to provide any senior home repair grants due to unavailable funding.
Officer/Teacher/Fireman/Emergency Technician Next Door Program	HUD & FHA	\$0	No homebuyers were assisted in Ontario during FY 2015-16.
Police Residence Assistance Program	Ontario General Fund	\$10,000	One new loan was issued for \$10,000 during FY 2015-16.
Mission Oakland Single-Family Housing Development	OHA	\$33,478	The Ontario Housing Authority acting as successor agency to the Ontario Redevelopment Agency is maintaining this site pending future housing development.
	HAF	\$6,384	
	<b>Subtotal</b>	<b>\$39,862</b>	

Program/Project	Funding Source	Expenses	Annual Accomplishment
CalHome Mortgage Assistance Program	CDBG	\$1,500	City staff worked with Neighborhood Partnership Housing Services to market this program to potential homebuyers. Two homebuyers were assisted with this program in FY 2015-16.
	CalHome Funds	\$111,800	
	<b>Subtotal</b>	<b>\$113,300</b>	
<b>TOTAL HOUSING PRIORITY #3</b>		<b>\$1,071,382</b>	
<b>GRAND TOTAL – HOUSING STRATEGY</b>		<b>\$4,158,498</b>	

### **HOMELESS STRATEGY**

Program/Agency	Funding Source	Expenses	Accomplishments
<i><b>Priority 1: Preserve and improve the supply of supportive housing and public services for the homeless.</b></i>			
Foothill Family Shelter – First Steps Transitional Housing Program	ESG	<b>\$6,122</b>	A total of 35 unduplicated homeless persons were served.
Mercy House Living Centers - Ontario Continuum of Care	CDBG	\$52,249	A total of 21 unduplicated homeless persons were served through the Assisi House and Aftercare Services Program. A total of 1,187 unduplicated homeless persons were served at the Ontario Access Center.
	ESG	\$111,491	
	<b>Subtotal</b>	<b>\$163,740</b>	
House of Ruth – Services for Battered Women and Children	ESG	<b>\$12,600</b>	A total of 92 unduplicated battered women and children were provided with services.
Inland Valley Council of Churches - SOVA Food Security Center	ESG	<b>\$18,410</b>	A total of 3,813 unduplicated persons were served.
Project Gateway (Shelter + Care Program)	HUD	<b>\$157,458</b>	Thirteen households were housed using Shelter + Care vouchers.
<b>GRAND TOTAL – HOMELESS STRATEGY</b>		<b>\$358,330</b>	

### **SPECIAL NEEDS STRATEGY**

<b>Program/Agency</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
<i>Priority 1: Provide supportive services for special needs populations.</i>			
Inland Fair Housing and Mediation Board – Senior Services	CDBG	<b>\$10,000</b>	A total of 800 seniors were served.
<b>GRAND TOTAL – SPECIAL NEEDS STRATEGY</b>		<b>\$10,000</b>	

### **FAIR HOUSING STRATEGY**

<b>Program/Agency</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
<i>Priority 1: Continue to implement the Fair Housing Laws by providing funding to further fair housing.</i>			
Inland Fair Housing and Mediation Board – Fair Housing (AFFH) Program	CDBG	<b>\$22,000</b>	A total of 248 persons were provided with fair housing services.
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation Services	CDBG	<b>\$10,200</b>	A total of 1,610 persons were provided with landlord/tenant mediation services.
<b>GRAND TOTAL – FAIR HOUSING STRATEGY</b>		<b>\$32,200</b>	

### **PUBLIC HOUSING STRATEGY**

<b>Program/Agency</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
<i>Priority 1: Continue to support ongoing efforts of the Housing Authority of the County of San Bernardino to maximize the use of Section 8 subsidies and other resources in the City.</i>			
Housing Authority of the County of San Bernardino (Housing Choice Voucher Program)	HUD	<b>\$4,245,444</b>	418 households assisted in Ontario.

Program/Agency	Funding Source	Expenses	Accomplishments
Housing Authority of the County of San Bernardino (Family Self-Sufficiency)	HUD	N/A	Four Ontario residents served.
<b>GRAND TOTAL – PUBLIC HOUSING STRATEGY</b>		<b>\$4,245,444</b>	

### **COMMUNITY DEVELOPMENT STRATEGY**

Program/Project	Funding Source	Expenses	Accomplishments
<i>Priority 1: Provide for needed infrastructure improvements in lower and moderate-income neighborhoods.</i>			
Pavement Management Rehabilitation Program and Alley Pavement Management Program (FY 2014-15 and FY 2015-16)	CDBG	\$982,944	Construction for the Pavement Rehabilitation and Alley Pavement Rehabilitation Program for FY 2014-15 was completed in December 2015. Bids for the FY 2015-16 Pavement Rehabilitation and FY 2015-16 Alley Pavement Rehabilitation Programs were awarded in July 2016 and construction is expected to be completed by October 2016.
	Gas Tax	\$686,284	
	Measure I	\$852,484	
	<b>Subtotal</b>	<b>\$2,521,712</b>	
Wheelchair Ramp Installation	CDBG	\$120,100	The Parks and Maintenance Department along with our contractor, C.J. Construction, Inc. installed a total of 57 wheelchair ramps, adjoining sidewalks, and curbs.
	Capital Projects	\$50,000	
	<b>Subtotal</b>	<b>\$170,100</b>	
<b>TOTAL COMMUNITY DEVELOPMENT PRIORITY #1</b>		<b>\$2,691,812</b>	
<i>Priority 2: Provide for new community facilities, neighborhood enhancement activities, and improve the quality of existing community facilities to serve lower- and moderate-income neighborhoods.</i>			
Galvin Park West Side Picnic Structure/BBQ Area Improvements and California Friendly Landscape Renovation Project	CDBG	<b>\$27,500</b>	During FY 2015-16, the project was completed by the Parks Department with the assistance of California Conservation Corps.

<b>Program/Project</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
James R. Bryant Park and Sam Alba Park Restroom Rehabilitation Projects	CDBG	<b>\$20,215</b>	The projects were completed including rehabilitation of the existing restroom facilities at both parks. The final payment was made to the contractor during FY 2015-16.
Ontario Senior Center Light Fixtures	CDBG	<b>\$23,235</b>	The project resulted in retrofitting of 12 existing chandelier lights and 27 existing recessed lights with LED lights. In addition, two old laminate countertops, sinks, and faucets were replaced.
De Anza Community Center Roof Replacement	CDBG	<b>\$128,558</b>	This project replaced the roof with an Energy Star Cool Roof.
ADA Compliant Doors at De Anza/ Quesada/Westwind	CDBG	<b>\$34,705</b>	This project installed four (4) new ADA-compliant doors at three (3) community centers.
Galvin Park Restroom Renovation	CDBG	<b>\$64,400</b>	This project replaced all restroom fixtures in both the men's and women's restrooms. In addition, the interior and exterior of the restroom was painted and all new plumbing was installed. The roof was replaced with an Energy Star Cool White Roof.
<b>TOTAL COMMUNITY DEVELOPMENT PRIORITY #2</b>		<b>\$298,613</b>	
<b><i>Priority 3: Provide needed community services to serve lower- and moderate-income residents.</i></b>			
COPS Program	CDBG	<b>\$183,912</b>	During FY 2015-16, the COPS Division addressed many community concerns including but not limited to: graffiti, the transients/homeless population, panhandlers, prostitution, metal theft, theft of utilities, illegal dumping, truancy, curfew violations, and violations of various city building and habitation codes.

<b>Program/Project</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
Ontario-Montclair YMCA - Child Care Subsidies Program	CDBG	<b>\$21,999</b>	Seventy-seven unduplicated youths were served.
<b>TOTAL COMMUNITY DEVELOPMENT PRIORITY #3</b>		<b>\$205,911</b>	
<b>GRAND TOTAL – COMMUNITY DEVELOPMENT STRATEGY</b>		<b>\$3,196,336</b>	

### **ADMINISTRATIVE COSTS**

<b>Program/Project</b>	<b>Funding Source</b>	<b>Expenses</b>	<b>Accomplishments</b>
CDBG Administration	CDBG	<b>\$325,334</b>	Administration of the CDBG Program.
HOME Administration	HOME	<b>\$43,443</b>	Administration of HOME Program.
ESG Administration	ESG	<b>\$12,050</b>	Administration of ESG Program.
<b>GRAND TOTAL – Administrative Costs</b>		<b>\$380,827</b>	
<b>GRAND TOTAL – All Projects &amp; Administration</b>		<b>\$12,381,635</b>	

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:**  
**PUBLIC HEARINGS**

**SUBJECT:** A PUBLIC HEARING TO CONSIDER A CITY INITIATED GENERAL PLAN AMENDMENT (FILE NO. PGPA16-004) TO: (1) MODIFY FIGURES M-1 (MOBILITY ELEMENT SYSTEM) AND M-3 (MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN) TO ADD A PARALLEL BIKE ROUTE TO HOLT BOULEVARD FROM BENSON TO HAVEN AVENUES, EXTEND AND MODIFY THE SAN ANTONIO BIKE CORRIDOR TO EXTEND FROM THE SOUTHERN TO THE NORTHERN CITY LIMITS, MODIFY PLANNED FACILITIES IN ONTARIO RANCH TO BE CONSISTENT WITH STREETScape MASTERPLAN AND MODIFY VARIOUS EXISTING PLANNED FACILITIES; (2) MODIFY FIGURE M-5 (TRUCK ROUTES) TO ELIMINATE HOLT BOULEVARD AS A DESIGNATED TRUCK ROUTE FROM BENSON TO GROVE AVENUES; (3) MODIFY FIGURE M-2 (FUNCTIONAL ROADWAY CLASSIFICATION PLAN) TO NOTE LOCATIONS OF ALL GRADE SEPARATIONS REGARDLESS OF WHETHER THEY ARE EXISTING OR PROPOSED; (4) MODIFY FIGURES M-1 (MOBILITY ELEMENT SYSTEM) AND M-4 (TRANSIT PLAN) TO MODIFY THE BUS RAPID TRANSIT (BRT) CORRIDOR ON HOLT BOULEVARD, EAST OF VINEYARD AVENUE, TO BE CONSISTENT WITH THE ALIGNMENT APPROVED BY OMNITRANS; AND (5) ADD A COMPLETE STREET POLICY TO THE MOBILITY ELEMENT PURSUANT TO AB 1358

**RECOMMENDATION:** That City Council conduct a public hearing and adopt a resolution approving General Plan Amendment File No. PGPA16-004, to revise the Mobility Element of The Ontario Plan.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

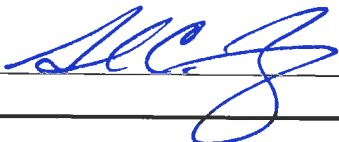
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Melanie Mullis

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

11

**FISCAL IMPACT:** None.

**BACKGROUND:** In 2010, The Ontario Plan (“TOP”) was adopted and contains the Mobility Element of the Policy Plan (General Plan) which sets forth the transportation network within the City. The proposed amendments will update the Mobility Element as noted below:

- **Bike Facilities (Figures M-1 and M-3)** – Modify the bike master plan to add a parallel route to Holt Boulevard, extend a bike route along San Antonio Avenue, extend bike facilities on Benson Avenue, Riverside Drive, and Cucamonga Creek to better complete the bike network, modify the bike facility types on Euclid Avenue, G Street, Ontario Mills Parkway, Inland Empire Boulevard, and Vineyard Avenue.
- **Grade Separations (Figure M-2)** – Modify Figure M-2 to show all existing and future grade separations as one graphic notation.
- **Bus Rapid Transit (Figures M-1 and M-4)** – Modify the Holt Boulevard Bus Rapid Transit (BRT) route to reflect the revised route planned by Omnitrans for the portion east of Vineyard Avenue.
- **Truck Routes (Figure M-5)** – Eliminate Holt Boulevard between Benson and Grove Avenues as a designated truck route. This segment of Holt Boulevard is rarely used by trucks traveling through the City and the parallel routes on Mission Boulevard, SR60, and I-10 adequately serve thru truck trips. This segment of Holt Boulevard can continue to be used for local truck deliveries.
- **Complete Streets Policy** – Add a Complete Streets Policy to the Mobility Element in compliance with AB1358 as follows:

M1-5 Complete Streets. We work to provide a balanced, context sensitive, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation.

The Planning Commission reviewed the proposed General Plan Amendment on August 23, 2016, and voted unanimously (7-0) to recommend City Council approval of the application.

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

**ENVIRONMENTAL REVIEW:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) (Existing Facilities) of the CEQA Guidelines, which consists of Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-004, AN AMENDMENT TO THE MOBILITY ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING FIGURE M-1 (MOBILITY ELEMENT SYSTEM), FIGURE M-2 (FUNCTIONAL ROADWAY CLASSIFICATION PLAN), FIGURE M-3 (MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN), FIGURE M-4 (TRANSIT PLAN) AND FIGURE M-5 (TRUCK ROUTES) BY ADDING A PARALLEL BIKE ROUTE TO HOLT BOULEVARD, EXTENDING AND MODIFYING THE SAN ANTONIO BIKE ROUTE, MODIFYING THE PLANNED FACILITIES IN ONTARIO RANCH AND VARIOUS OTHER EXISTING PLANNED BICYCLE FACILITY CLASSIFICATIONS, ELIMINATING HOLT BOULEVARD FROM WEST OF GROVE AVENUE AS A TRUCK ROUTE, COMBINING EXISTING AND FUTURE GRADE SEPARATIONS, AND REVISING THE LOCATION OF THE HOLT BOULEVARD BUS RAPID TRANSIT (BRT) CORRIDOR EAST OF VINEYARD AVENUE, ADDING A COMPLETE STREETS POLICY AND MAKING FINDINGS IN SUPPORT THEREOF (SEE EXHIBITS A, B, C, D, E AND F) (PART OF MOBILITY ELEMENT CYCLE 1 FOR THE 2016 CALENDAR YEAR).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA16-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Figures M-1 (Mobility Element System), M-2 (Functional Roadway Classification Plan), M-3 (Multipurpose Trails and Bikeway Corridor Plan), M-4 (Transit Plan) and M-5 (Truck Routes) and is proposing modifications; and

WHEREAS, the proposed changes to Figure M-1 (Mobility Element System), including changes to the location and/or classification of bike facilities and Holt Boulevard Bus Rapid Transit (BRT) Corridor, are shown on Exhibit A; and

WHEREAS, the proposed changes to Figure M-2 (Functional Roadway Classification Plan) to combine existing and future grade separations are shown on Exhibit B ; and

WHEREAS, the proposed changes to Figures M-3 (Multipurpose Trails and Bikeway Corridor Plan), including changes to the location and/or classification of bike facilities, are shown on Exhibit C and itemized in Exhibit D; and

WHEREAS, the proposed changes to Figure M-4 (Transit Plan), modification to the location of the Holt Boulevard Bus Rapid Transit (BRT) Corridor, east of Vineyard Avenue, are shown on Exhibit E; and

WHEREAS, the proposed changes to Figure M-5 (Truck Routes) including eliminating Holt Boulevard, west of Grove Avenue, as a truck route are shown on Exhibit F; and

WHEREAS, the Amendment proposes the addition of Policy M1-5 Complete Streets to the Mobility Element which states:

"M1-5 Complete Streets. We work to provide a balanced, context sensitive, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation."

WHEREAS, the Project sites are located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

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

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

WHEREAS, on August 23, 2016, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC16-048, recommending City Council approval of the application; and

WHEREAS, on September 20, 2016, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Project is categorically exempt from environmental review pursuant to Section (15301(c), Existing Facilities) of the CEQA Guidelines, which consists of existing highways and streets, sidewalks, gutter, bicycle and pedestrian trails and similar facilities; and

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

c. The determination of CEQA exemption reflects the independent judgment of the City Council.

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

a. The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan as follows:

- Goal M2: A system of trails and corridors that facilitate and encourage bicycling and walking.

- M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

- M2-2: Bicycle System. We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.

- M2-4: Network Opportunities. We explore opportunities to expand the pedestrian and bicycle networks. This includes consideration of utility easements, levees, drainage corridors, road right-of-ways, medians and other potential options.

- M2-4: Network Opportunities. We explore opportunities to expand the pedestrian and bicycle networks. This includes consideration of utility easements, levees, drainage corridors, road right-of-ways, medians and other potential options.

- Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

- M3-4: Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.

- Goal M4: An efficient flow of goods through the City that maximizes benefits and minimizes negative impacts.

➤ M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.

▪ Goal CE1: A complete community that provides for all incomes and states of life.

➤ CE1-12 Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

c. The Mobility Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Mobility Element of the 2016 calendar year consistent with Government Code Section 65358;

d. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby APPROVES the Project.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of September 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, CITY CLERK, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016, by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

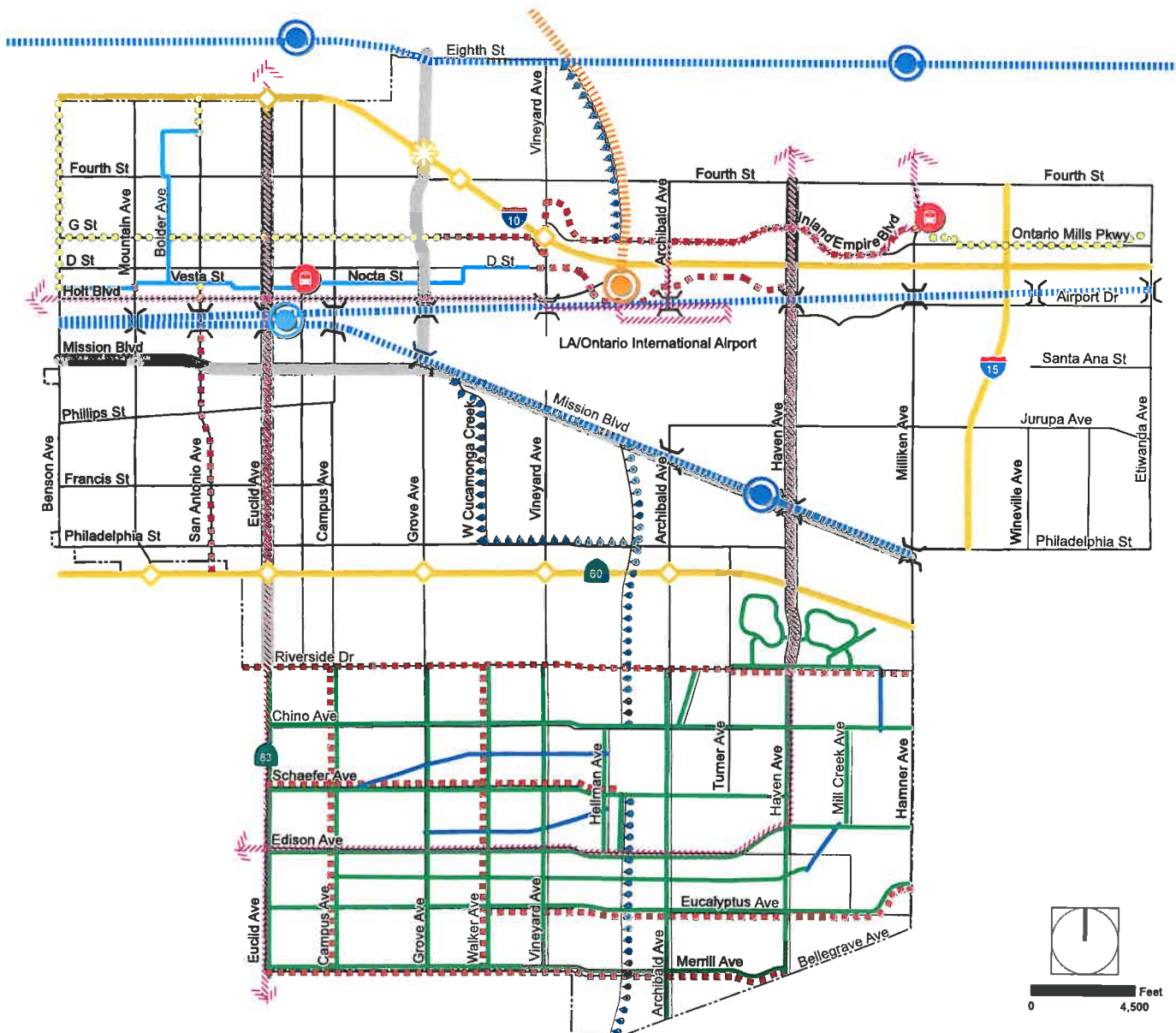
(SEAL)

The foregoing is the original of Resolution No. 2016-   duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

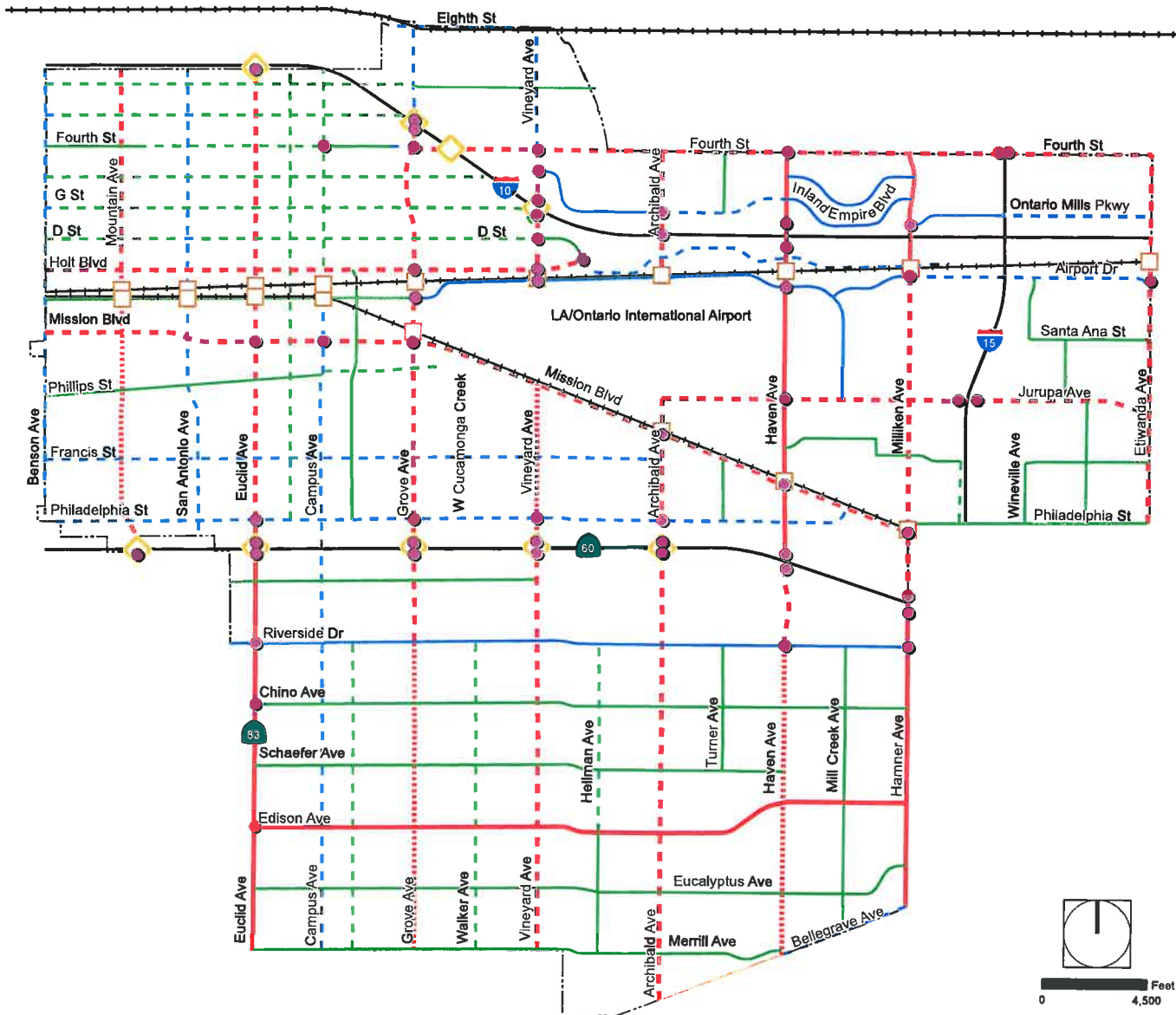
\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# EXHIBIT A Proposed Figure M-1 Mobility Element System



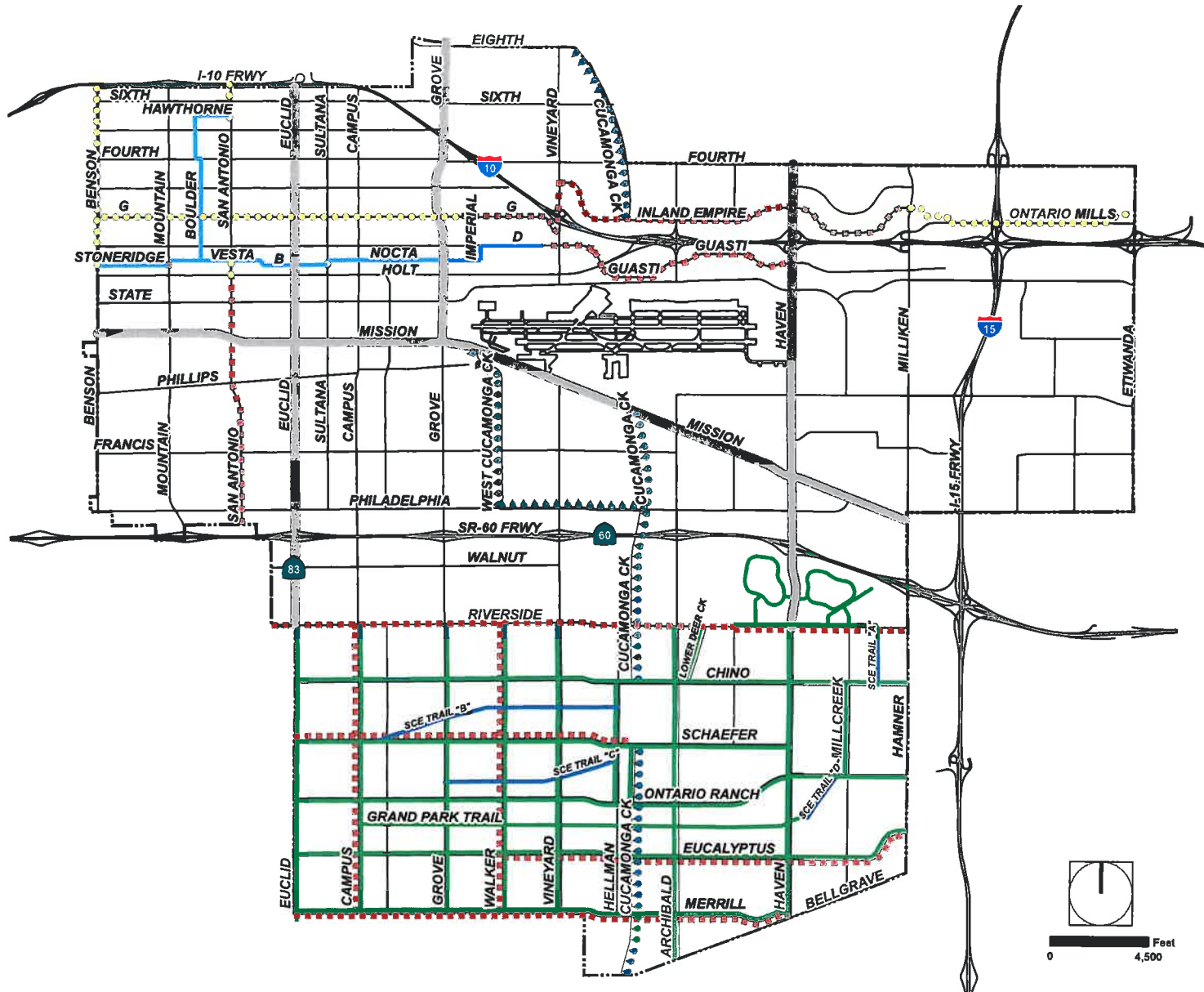
# EXHIBIT B Proposed Figure M-2 Functional Roadway Classification Plan



- Freeways
  - Railroads
  - Other Principal Arterial
    - 8 Lanes
    - 6 Lanes
    - 4 Lanes
  - Minor Arterial
    - 6 Lanes
    - 4 Lanes
  - Collector Street
    - 4 Lanes
    - 2 Lanes
  - ◊ Freeway Interchange
  - ◻ Grade-Separated Rail Crossings
  - Enhanced Intersections
- 1) All streets not shown on the map and legend are classified as local streets.
  - 2) Enhanced Intersections allow flexibility from the standard intersection configuration to increase capacity, improve operation, and respond to local conditions. Enhancements may include additional lanes, reduced median width, increased right-of-way width, removal of on-street bike lanes, or reduction of parkway width. Detailed engineering studies are necessary to identify the most effective types of improvements.
  - 3) The Functional Roadway Classification Plan depicts the maximum number of lanes and does not preclude the use of fewer lanes. The goal is to use the minimum number of lanes necessary to achieve the LOS standard while minimizing pavement and right-of-way width. Detailed traffic studies are necessary to identify the necessary number of lanes.
  - 4) The Functional Roadway Classification Plan is a generalized representation of the roadway system. See the Master Plan of Streets and Highways to determine the exact right-of-way, number of lanes, and roadway configuration.
  - 5) State Street and Holt Boulevard, which are parallel roadways, are related and improvements to one roadway enhance conditions on the other. Due to this fact and physical constraints, the actual classification of each roadway may vary depending upon the results of further, more detailed analysis.



# EXHIBIT C Proposed Figure M-3 Multipurpose Trails and Bikeway Corridor Plan



- Freeway
- Streets
- Multipurpose Trail
- Class I
- Class II
- Class III
- Sharrow/Bike Boulevard
- SCE Trail
- Bicycle Corridor

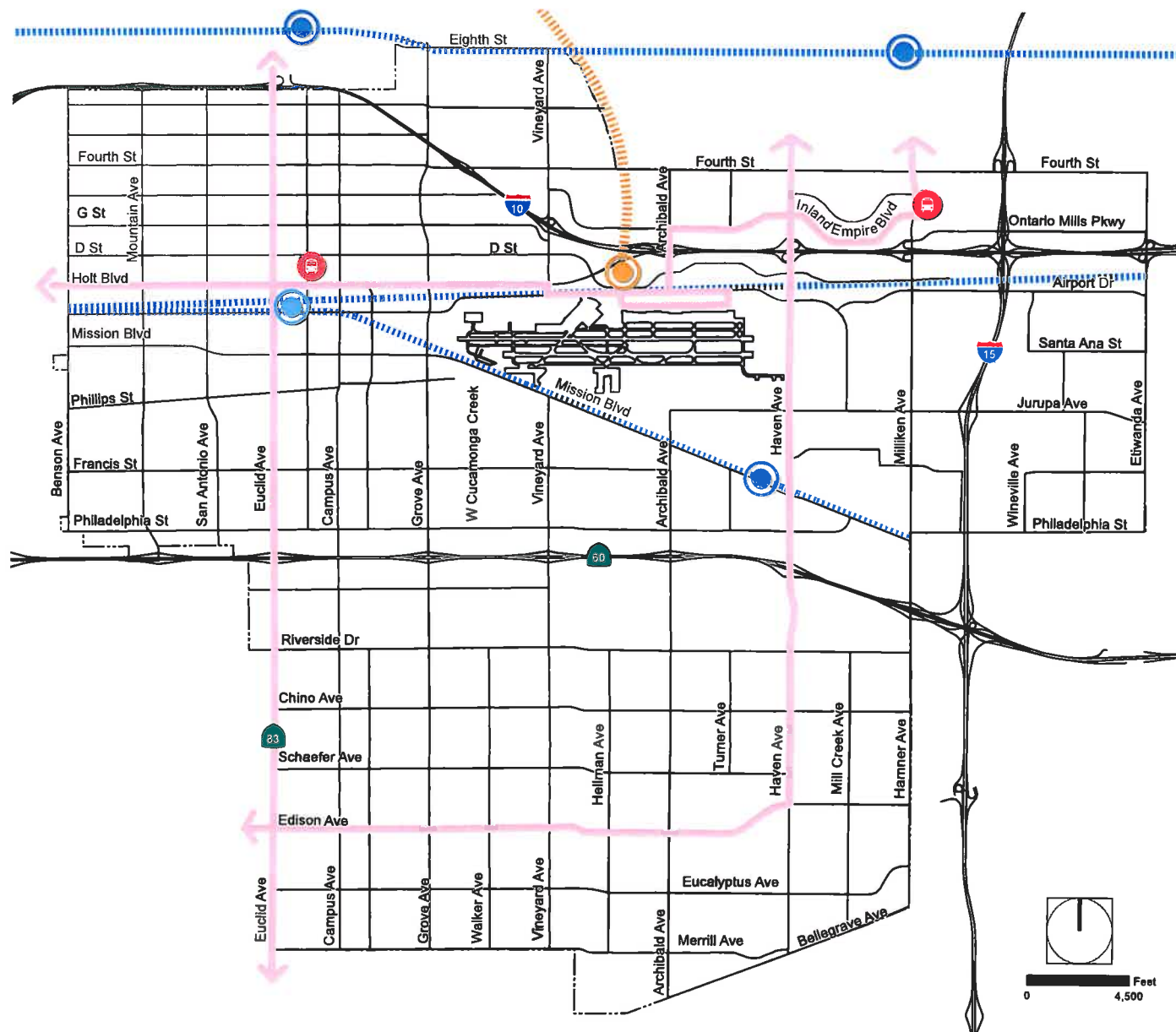
## REVISED NOTES:

- 1) The City's goal is to provide a combination of off-street pedestrian and bicycle multipurpose trails, Class II (on-street, striped bike lanes and Class III (on-street signed) bike routes to create a comprehensive, non-motorized transportation system.
- 2) "Bicycle Corridor" denotes preferred bike routes wherein the exact facility type and alignment are not known at this time. Bicycle Corridors require further study to determine the exact alignment and may include combinations of off-street Multipurpose Trails, Class II, and Class III bikeways. In some cases, the bikeway may need to be rerouted to an adjacent, parallel street to complete the connection.
- 3) This Multipurpose Trails and Bikeway Corridor Plan does not preclude the addition of extra bike routes as deemed appropriate.
- 4) SCE trails are located within SCE rights of way and easements and are subject to SCE approval prior to development and construction. SCE trails are considered to be potential trail sites since policies on allowing trails within easements can change without notice.
- 5) The map delineates which side of the street or channel that Class I and Multipurpose Trails are located.

**PGPA 16-004 EXHIBIT D**  
**PROPOSED CHANGES TO M-3 MULTIPURPOSE TRAILS & BIKEWAY CORRIDOR PLAN**

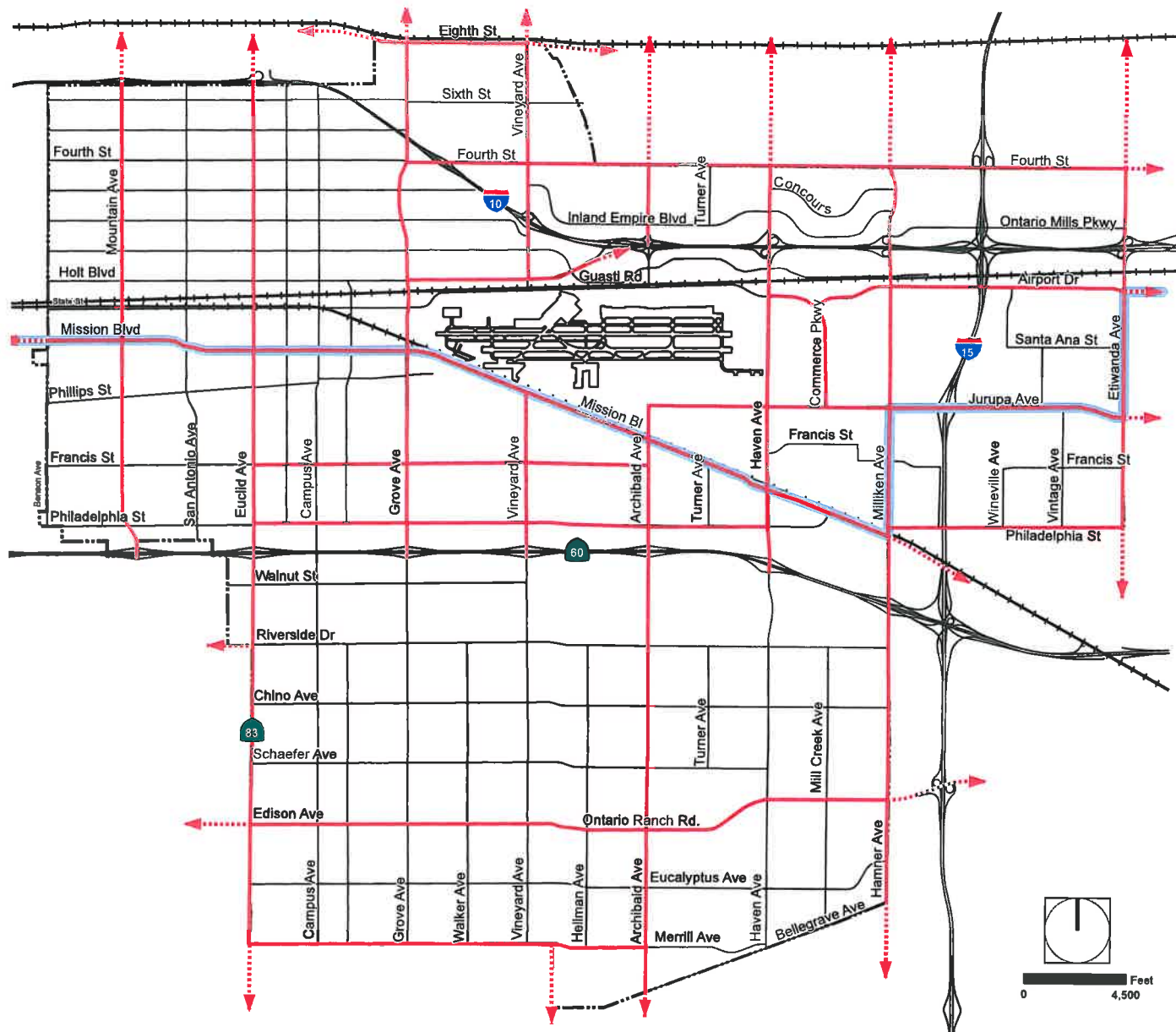
Street	Segment	Existing Classification	Proposed Classification
B St.	Vine St. to Sultana Ave.	None	Sharrow
Benson Ave.	G St. to Stoneridge Ct.	None	Class III
Boulder Ave.	Vesta St. to Hawthorne St.	None	Sharrow
Convention Center	Vineyard Ave. to Holt Blvd.	None	Class II
Cucamonga Ck.	Ontario Ranch Rd. to Schaefer Ave.	None	Class I (east side) Multipurpose Trail (west side)
D St.	Corona Ave. to Vineyard Ave.	None	Class II
D St.	Imperial Ave. to Corona Ave.	None	Sharrow/Bike Blvd.
Eucalyptus Ave.	Euclid Ave. to Walker Ave.	None	Multipurpose Trail
Euclid Ave.	Riverside Dr. to Merrill Ave.	Bicycle Corridor	Multipurpose Trail
Fourth St., jog	Boulder Ave. to Boulder Ave.	None	Sharrow/Bike Blvd.
Franklin Ave.	Mall Dr. to Ontario Mills Pkwy.	Bicycle Corridor	Class III
G St.	Benson to Del Norte Aves,	Class II	Class III
Guasti Rd.	Holt Blvd. to Haven Ave.	None	Class II
Hawthorne St.	Boulder Ave. to San Antonio Ave.	None	Sharrow/Bike Blvd.
Imperial Ave.	Nocta St. to D St.	None	Sharrow/Bike Blvd.
Inland Empire Blvd.	Haven Ave. to Milliken Ave.	Bicycle Corridor	Class II
Mall Dr./Mills Cir.	Milliken Ave. to Franklin	Bicycle Corridor	Class III
Mountain Ave.	Stoneridge St. to Vesta St.	None	Class II
Nocta St.	Sultana Ave. to Imperial Ave.	None	Sharrow/Bike Blvd.
Ontario Mills Pkwy.	Franklin Ave. to Etiwanda Ave.	Bicycle Corridor	Class III
Riverside Dr.	Turner Ave. to Hamner Ave.	Multipurpose Trail	Multipurpose Trail and Class II
San Antonio Ave.	Hawthorne St. to Northern City Limits	None	Class III
San Antonio Ave.	Vesta St. to G St.	Class III	Eliminate
San Antonio Ave.	Mission Blvd. to Holt Blvd.	Class III	Class II
San Antonio Ave.	Southern City Limits to Mission Blvd.	None	Class II
SCE Trail	Euclid Ave. to Schaefer Ave.	SCE Trail	Eliminate
Schaefer Ave.	Euclid Ave. to Walker Ave.	Class II	Class II and Multipurpose Trail
Stoneridge Ct.	Benson Ave. to Mountain Ave.	None	Sharrow/Bike Blvd.
Sultana Ave.	B St. to Nocta St.	None	Class III
Vesta St.	Mountain Ave. to Vine Ave.	None	Sharrow/Bike Blvd.
Vine Ave.	B St to Vesta St.	None	Sharrow/Bike Blvd.
Vineyard Ave.	G St to Inland Empire Blvd.	III	II

# EXHIBIT E Proposed Figure M-4 Transit Plan



- Freeways
- Backbone Street System
- Railroads
- Bus Rapid Transit (BRT) Corridors
- Gold Line Extension
- Metrolink Station
- Future Downtown Metrolink Station
- Existing Bus Transfer Centers
- Future Multimodal Transit Center  
(Potential to serve Metro Gold Line, High Speed Rail, Metrolink and Bus)

# EXHIBIT F Proposed Figure M-5 Truck Routes



- Truck Routes
- State of California DOT Extralegal Load Network
- Railroad
- Adjacent Agency Truck Route

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:  
PUBLIC HEARINGS**

**SUBJECT: A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-004, PROPOSING THE ADDITION OF CHAPTER 18 TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE AND AMENDING THE ONTARIO DEVELOPMENT CODE SECTION 9.01 (DEFINITIONS), TABLE 5.02-1 (LAND USE TABLE), AND SECTION 5.03.280 (MEDICAL MARIJUANA DISPENSARIES) TO REGULATE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA**

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-004, a Development Code Amendment proposing the addition of Chapter 18 to Title 6 of the Ontario Municipal Code and amending Ontario Development Code Section 9.01 (Definitions), Table 5.02-1 (Land Use Table), and Section 5.03.280 (Medical Marijuana Dispensaries) to regulate personal, medical, and commercial use of marijuana.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner

**FISCAL IMPACT:** Adoption of the ordinance will have no direct fiscal impact. Should Proposition 64 be approved by the voters in November, however, the Ontario Police Department may experience additional costs, as yet unknown, in enforcing the provisions of the proposition.

**BACKGROUND:** In June 2016, the Secretary of State certified Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA") for the November 8, 2016 ballot. If approved by the voters, AUMA would regulate the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age. The main points of the AUMA include the following:

- (1) Individuals may possess up to 28.5 grams of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis in marijuana products;

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Scott Murphy

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 09/20/2016

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

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

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

12

- (2) Individuals may possess up to six living marijuana plants and process the marijuana produced from those plants;
- (3) AUMA would authorize cities to “reasonably regulate”, without prohibiting, cultivation within private residences or an accessory structure to a private residence;
- (4) AUMA would authorize cities to prohibit the outdoor cultivation of marijuana at a private residence until such time as the California Attorney General determines that the non-medical use of marijuana is lawful in the State under federal law; and
- (5) AUMA would authorize cities to completely prohibit the establishment or operation of marijuana dispensaries, marijuana retailers, and marijuana delivery services.

Should the voters approve the proposition, many of the provisions of AUMA would become effective immediately. As such, there is a window of opportunity that allows the City to adopt regulations in anticipation of approval and have them in place prior to the November election, thereby being in a position to better regulate the recreational use of marijuana rather than waiting for the State to establish criteria.

The City believes indoor cultivation of marijuana can have adverse impacts to the health and safety of occupants, including structural damage to a building from increased moisture and excessive mold growth. The use of pesticides and fertilizers can also lead to chemical contamination within the structure.

Further, based on experiences of other cities, these negative effects on the public health, safety and welfare are likely to occur in the City resulting from the establishment and operation of marijuana cultivation, processing, and distribution uses. Therefore, the City proposes the following:

- (1) Provide definitions for various terms associated with marijuana and marijuana use;
- (2) Prohibit marijuana dispensaries. This expands the existing ban on medical marijuana dispensaries;
- (3) Augment Ordinance 3004, which bans marijuana cultivation, with new provisions that prohibit marijuana cultivation for commercial purposes and allow personal cultivation under the provisions contained in Proposition 64, should it be approved;
- (4) Prohibit the transportation, delivery, storage, distribution or sale of marijuana, marijuana products or marijuana accessories for commercial purposes; and
- (5) Prohibit the manufacturing or testing of marijuana, marijuana products or marijuana accessories for commercial purposes.

On August 23, 2016, the Planning Commission conducted a public hearing to consider the above-described Development Code Amendment and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (7-0) to approve



Resolution No. PC16-049, recommending that the City Council approve the Development Code Amendment.

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, and Policy Plan (General Plan) components of The Ontario Plan (TOP). More specifically, TOP goals and policies furthered by the proposed project are noted in the Planning Commission staff report (attached).

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

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

**ENVIRONMENTAL REVIEW:** The application is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Further, under Title 14 of the California Code of Regulations, Section 15061(b)(3), this Development Code Amendment is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-004, A DEVELOPMENT CODE AMENDMENT ADDING CHAPTER 18 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE AND AMENDING THE ONTARIO DEVELOPMENT CODE DIVISION 9.01 (DEFINITIONS), TABLE 5.02-1 (LAND USE TABLE), AND SECTION 5.03.280 (MEDICAL MARIJUANA DISPENSARIES) TO REGULATE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario has initiated an Application for the approval of a Development Code Amendment, File No. PDCA16-004, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City Council adopted Ordinance No. 2858 on March 20, 1997, prohibiting the establishment and operation of medical marijuana dispensaries and other similar uses; and

WHEREAS, the City Council adopted Ordinance No. 3004 on December 2, 2014, explicitly prohibiting marijuana cultivation; and

WHEREAS, the City desires to continue to ban all marijuana dispensaries, cultivation, and delivery service land uses within City Limits to the extent allowed by California law. Ordinance No. 2858 and Ordinance No. 3004 updated the Municipal Code and the Development Code to effectuate that aim; and

WHEREAS, on June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), for the November 8, 2016 ballot; and

WHEREAS, the AUMA would become law if a majority of the electorate votes "Yes" on the proposition; and

WHEREAS, should the AUMA pass, many of its provisions would take effect on November 9, 2016; and



WHEREAS, the AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age; and

WHEREAS, to regulate personal use of marijuana the AUMA would add Section 11362.1 to the Health and Safety Code, which makes it “lawful under state and local law” for persons 21 years of age or older to “possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever” up to 28.5 grams of marijuana in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products; and

WHEREAS, the AUMA would make it lawful under state and local law for those individuals to smoke or ingest marijuana or marijuana products; and

WHEREAS, the AUMA would make it lawful under state and local law for those individuals to “possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants; and

WHEREAS, the AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a “determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law”; and

WHEREAS, the AUMA would authorize cities to “reasonably regulate” without completely prohibiting cultivation of marijuana inside a private residence or inside an “accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, to regulate commercial use of marijuana, the AUMA would add Division 10 (Marijuana) to the Business & Professions Code, which grants state agencies “the exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana; and

WHEREAS, the AUMA provides that the above state agencies shall promulgate rules and regulations and shall begin issuing licenses under Division 10 by January 1, 2018; and

WHEREAS, the AUMA states that a local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10; and

WHEREAS, the AUMA would authorize cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction, including marijuana dispensaries, marijuana retailers, and marijuana delivery services; and

WHEREAS, absent appropriate local regulation authorized by the AUMA, state regulations will control; and

WHEREAS, the "Medical Marijuana Regulation and Safety Act" ("MMRSA"), which took effect January 1, 2016, regulates use of marijuana for medical purposes; and

WHEREAS, the MMRSA contains a provision which provides that the State shall become the sole authority for regulation under certain parts of the Act unless local governments pass their own regulations; and

WHEREAS, in May 2013, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013) that cities have the authority to regulate or ban outright medical marijuana land uses; and

WHEREAS, the California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

WHEREAS, this Ordinance would amend the Municipal Code and the Development Code to clarify the substantive objectives of the City's regulation of marijuana within its City limits and to preemptively address some proposed changes to California law in the event AUMA passes on November 8, 2016; and

WHEREAS, on August 23, 2016, the Planning Commission conducted a public hearing to consider the above-described Development Code Amendment and concluded said hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (7-0) to approve Resolution No. PC16-049, recommending that the City Council approve the Development Code Amendment; and

WHEREAS, on September 20, 2016, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

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

b. The Application is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

d. The determination of CEQA exemption reflects the independent judgment of the City Council; and

e. The City Council directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 2. A new Chapter 18 is hereby added to Title 6 of the Ontario Municipal Code to read, in its entirety, as follows:

### **Chapter 18: Marijuana**

Section 6-18.01	Purpose
Section 6-18.02	Definitions
Section 6-18.03	Regulation on the Personal Use of Marijuana, Marijuana Accessories, and Marijuana Products
Section 6-18.04	Regulation on the Medical Use of Marijuana, Marijuana Accessories, and Marijuana Products
Section 6-18.05	Regulation on the Commercial Use of Marijuana, Marijuana Accessories, and Marijuana Products
Section 6-18.06	Penalty for Violations

Sec. 6-18.01. Purpose.

The purpose of this Section is to regulate personal, medical, and commercial marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.

Sec. 6-18.02. Definitions.

For purposes of this chapter, the following definitions shall apply:

- (a) "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of marijuana and marijuana products.
- (b) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- (c) "Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
- (d) "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
- (e) "Licensee" means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.
- (f) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
- (g) "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:
  - (1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
  - (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (h) "Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting,

propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

- (i) "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
- (j) "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (k) "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
- (l) "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
- (m) Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

**Sec. 6-18.03. Regulation on the Personal Use of Marijuana, Marijuana Accessories, and Marijuana Products.**

- (a) For purposes of this section, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.
- (b) Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- (c) Indoor Cultivation.
  - (1) A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other

enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(2) To the extent a complete prohibition on indoor cultivation inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, is not permitted under California law:

- (a) A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence (or any accessory structure to such private residence located upon the grounds of that private residence) if such residence (or accessory structure) is not fully enclosed and secure;
- (b) A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence (or any accessory structure to such private residence located upon the grounds of that private residence) which the individual cultivating those plants does not maintain as his or her primary residence;
- (c) A person may not plant, cultivate, harvest, dry, or process more than a combined total of six (6) marijuana plants inside the private residence or accessory structure located upon the grounds of the private residence;
- (d) No pesticides or fertilizers may be used for any marijuana cultivation inside a private residence or accessory structure located on the grounds of a private residence;
- (e) No artificial light, ventilation, heating, or air conditioning may be used in support of marijuana cultivation in any accessory structure to a private residence located upon the grounds of a private residence except in compliance with the California Building Code, the Ontario Municipal Code, and any other permitting requirements which may be imposed; and
- (f) No artificial light, ventilation, heating, or air conditioning may be used in support of marijuana cultivation inside a private residence except in compliance with the California Building Code, the Ontario Municipal Code, and any other permitting requirements which may be imposed.

**Sec. 6-18.04. Regulation on the Medical Use of Marijuana, Marijuana Accessories, and Marijuana Products.**

- (a) Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in subsection (c) of Section 6-18.03.

- (b) The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

Sec. 6-18.05. Regulation on the Commercial Use of Marijuana, Marijuana Accessories, and Marijuana Products.

- (a) The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
  - (1) The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
  - (2) The cultivation of marijuana;
  - (3) The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
  - (4) Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

Sec. 6-18.06. Penalty for Violations.

- (a) No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this Chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this Chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is declared a public nuisance and may be abated as provided in Section 1-2.01 and/or under state law.

SECTION 3. The definition of "Marijuana" found in Ontario Development Code Division 9.01.010: Terms and Phrases, Paragraph M "Definitions of Words Beginning with the Letter "M", is hereby amended in its entirety to read as follows:

"Marijuana. All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

- (1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
- (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product."

SECTION 4. The definition of "Medical Marijuana Dispensary" found in Ontario Development Code Division 9.01.010: Terms and Phrases, Paragraph M "Definitions of Words Beginning with the Letter "M", is hereby amended in its entirety to read as follows:

"Marijuana Dispensary. Any association, cooperative, club, coop, delivery service, collective and any other similar use involved in the sale, exchange, bartering, giving away for any form of compensation whatsoever, possession, cultivation, use and/or distribution of marijuana."

SECTION 5. Ontario Development Code Division 9.01.010: Terms and Phrases, Paragraph M "Definitions of Words Beginning with the Letter "M" is hereby amended to include a definition for the term "Marijuana Cultivation" as follows:

"Marijuana Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana."

SECTION 6. Ontario Development Code Division 5.03.280 is hereby amended in its entirety to read as follows:

"5.03.280: Marijuana Dispensary.

Notwithstanding any other provision of this Development Code, a Marijuana Dispensary, as defined in Division 9.01 (Definitions) of this Development Code, shall be a prohibited use in all zoning districts of the City, as follows:

- (1) The operation of any marijuana dispensary within the City is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Violations of this Section may be enforced by any applicable law.
- (2) No person shall deliver marijuana or marijuana-infused products, such as tinctures, baked goods or other consumable products, to any location within the City from a marijuana dispensary, regardless of whether the marijuana dispensary from which the delivery originated is within the City, or engage in any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of any marijuana dispensary in the City.



(3) No person shall deliver marijuana or marijuana-infused products with such delivery originating from any marijuana dispensary located within the City, regardless of whether the delivery destination is within the City.”

SECTION 7. Table 5.02-1 (Land Use Matrix) of the Ontario Development Code is amended as set forth in Exhibit “A,” attached hereto and incorporated by reference herein.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk’s office located at 303 East “B” Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 11. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held \_\_\_\_\_ and adopted at the regular meeting held \_\_\_\_\_, 2016 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

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

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

(SEAL)

## Exhibit “A”

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities  <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts							Mixed-Use Zoning Districts			Industrial Zoning Districts					Specialized Use & Overlay Zoning Districts								Additional Regulations
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1	MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	AC	UC	
11	COMMERCIAL AGRICULTURE																												
111	Commercial Crop Production and Farming	C																			P			P					See Section 5.03.410 (Urban Agriculture)
	Marijuana Cultivation																												See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use
44-45	RETAIL TRADE																												
446110	Pharmacies and Drug Stores						P	P	P		P	P	P	P	P														See Section 5.03.330 (Pharmacies and Drug Stores)
	Marijuana Dispensary																												See Section 5.03.280 (Marijuana Dispensary)

# CITY OF ONTARIO

*Agenda Report*  
September 20, 2016

**SECTION:  
PUBLIC HEARINGS**

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE EXCHANGE SPECIFIC PLAN (FILE NO. PSPA16-002) TO ESTABLISH THE INDUSTRIAL PARK (IP) LAND USE DEVELOPMENT STANDARDS, REGULATIONS AND DESIGN GUIDELINES FOR 10.59 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF ONTARIO MILLS PARKWAY, EAST OF THE I-15 FREEWAY, WITHIN THE INDUSTRIAL PARK LAND USE DISTRICT OF THE EXCHANGE SPECIFIC PLAN (APN NO: 0238-012-19)**

**RECOMMENDATION:** That the City Council adopt a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Sections 15070 and 15097, and introduce and waive further reading of an ordinance approving an amendment to The Exchange Specific Plan (File No. PSPA16-002).

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** None.

**BACKGROUND:** Adopted in 2003, The Exchange Specific Plan established the land use designations for the 23.5 acres of land located on the east side of I-15 between Fourth Street and Ontario Mills Parkway – Freeway Commercial (FC) and Industrial Park (IP). The Freeway Commercial land use designation, totaling approximately 12 acres, is located at the northern portion of the Specific Plan area, south of Fourth Street. The Freeway Commercial land use designation is intended for lower intensity commercial and retail uses and is currently developed with an Arizona Tile retail building, an AM/PM gas station, and a retail pad. The Industrial Park land use designation is approximately 11.5 acres and is located north of Ontario Mills Parkway, within the southern portion of the Specific Plan. The Industrial

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Henry K. Noh  
Department: Planning

Submitted to Council/O.H.A. 09/20/2016

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

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

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

City Manager  
Approval: \_\_\_\_\_



13

Park land use designation is intended to provide light manufacturing, research and development, warehousing and distribution, and multi-tenant industrial uses.

When the City Council adopted The Exchange Specific Plan, the Industrial Park development standards, regulations, and design guidelines were not included as part of the Specific Plan approval and were deferred to a later date when an industrial development was proposed. The Applicant, Orbis Real Estate Partners, has submitted a Specific Plan Amendment to establish the Industrial Park land use development standards, regulations and design guidelines. In addition to the Specific Plan Amendment, the Applicant has submitted Tentative Parcel Map and Development Plan applications to facilitate the construction of four industrial buildings totaling approximately 225,000 square feet. On August 23, 2016, the Planning Commission approved the Tentative Parcel Map and the Development Plan, contingent upon receiving City Council approval of the Specific Plan Amendment.

Specific Plan Amendment — The Exchange Specific Plan Amendment proposes various clean-up items and establishes “Section 5: Industrial Park (IP) Planning Area.” The proposed changes and additions to the Specific Plan (exhibits, tables, development standards and design guidelines) are contained within the revised Specific Plan document accompanying this report (see Exhibit “A” of the Ordinance). All deletions to the Specific Plan are outlined in red with a strikethrough and all additions have been highlighted in red. The proposed Section 5: Industrial Park (IP) Planning Area includes:

- General Development Standards;
- Permitted Uses;
- Building and Parking Setbacks;
- Loading and Storage Areas;
- Refuse Collection Areas;
- Architectural Design Guidelines; and
- Landscape Design.

The Planning Commission reviewed the proposed Amendment to The Exchange Specific Plan on August 23, 2016, and voted unanimously (7-0) to recommend City Council approval of the application.

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

**ENVIRONMENTAL REVIEW:** 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. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PSPA16-002, PMTT16-012 AND PDEV16-016, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-012-19.

WHEREAS, Orbis Real Estate Partners ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA16-002, a Tentative Parcel Map, File No. PMTT16-012 and Development Plan, File No. PDEV16-016, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for circulation, a Mitigated Negative Declaration for File Nos. PSPA16-002, PMTT16-012 and PDEV16-016 (hereinafter referred to as "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File Nos. PSPA16-002, PMTT16-012 and PDEV16-016 analyzed under the Initial Study/Mitigated Negative Declaration, consists of an amendment to The Exchange Specific Plan (File No. PSPA16-002) to establish the Industrial Park (IP) land use development standards, regulations and design guidelines, a Tentative Parcel Map (File No. PMTT16-012 (TPM 19715)) to subdivide 10.59 acres of land into 4 lots, and a Development Plan (File No. PDEV16-016) to construct four industrial buildings totaling approximately 225,000 square feet, located on the north side of Ontario Mills Parkway, east of the I-15 Freeway, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the project site is located within the Ontario Recovery Unit for the Delhi Sands Flower-Loving Fly (DSF). It was determined by a Delhi Sands Flower-Loving Fly Habitat Suitability Assessment (Michael Baker International, December 2015) that the project site does not support suitable habitat for the DSF due to heavily mixed and contaminated soil. As a result, the study determined that the project site does not support clean Delhi Sand soils needed for suitable habitat for the DSF; that the DSF is absent from the site and that no further actions or additional focused surveys were recommended. As a result, the site is not considered habitat and no adverse impact to the DSF is anticipated; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the approving authority of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (see Exhibit A: *Mitigation Monitoring and Reporting Program*) to ensure compliance with the mitigation measures during project implementation, and such a Mitigation Monitoring and Reporting Program has been prepared for the Project for consideration by the approving authority of the City of Ontario as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

WHEREAS, 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.

WHEREAS, 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; and

WHEREAS, on August 15, 2016, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB16-034 recommending the Planning Commission approve the Application; and

WHEREAS, on August 23, 2016, the Planning Commission of the City of Ontario conducted a hearing to consider the Mitigated Negative Declaration, the initial study, and the Project, and issued Resolution No. PC16-043 recommending City Council approval of the Application; and

WHEREAS, on September 20, 2016, the City Council of the City of Ontario conducted a hearing to consider the use of the Initial Study/Mitigated Negative Declaration, and the Project, and concluded said hearing on that date; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the approving body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and



WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein.

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Initial Study/Mitigated Negative Declaration and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The City Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record, and has considered the information contained therein, prior to acting upon or approving the Project;

(2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with State and local guidelines implementing CEQA; and

(3) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project. The City Council designates the Planning Department, located at 303 East B Street, Ontario, CA 91764, as the custodian of documents and records of proceedings on which this decision is based.

SECTION 2. The City Council does hereby find that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project.

SECTION 3. 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 action of the City Council. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 4. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and all other documents and materials that constitute the record of proceedings on which these findings have been based, are on

file at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

SECTION 5. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 20, 2016 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2016-        duly passed and adopted by the Ontario City Council at their regular meeting held September 20, 2016.

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

(SEAL)

Attachment "A"

Mitigation Monitoring and Reporting Program  
File No. PSPA16-002

*(Mitigation Monitoring and Reporting Program for File No. PSPA16-002 to follow this page)*

### MITIGATION MONITORING AND REPORTING PROGRAM

**Project File No.:** PDEV16-016, PMTT16-012 and PSPA16-002 – The Exchange Industrial

**Project Sponsor:** Orbis Real Estate Partners, 240 Newport Center, Ste. 219-12, Newport Beach, CA 92660

**Lead Agency/Contact Person:** Henry K. Noh, Senior Planner, City of Ontario, Planning Department, 303 East B Street, Ontario, California 91764, (909) 395-2036

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
<b>1) AIR QUALITY</b>						
a) Use of dust control during clearing, grading and construction. Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources shall be investigated. Soil disturbance shall be terminated when high winds (25 mph or greater) make dust control extremely difficult.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
b) Minimization of construction interference with regional non-project traffic movement. Impacts shall be reduced to below a level of significance by the following mitigation measures: i) Scheduling receipt of construction materials to non-peak travel periods. ii) Routing construction traffic through areas of least impact sensitivity. iii) Limiting lane closures and detours to off-peak travel periods. iv) Providing rideshare incentives for contractor and subcontractor personnel.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
c) After clearing, grading or earth moving: i) Seed and water until plant cover is established. ii) Spread soil binders. iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. iv) Reduce "spill-over" effects by washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
d) Emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
						building permit
<b>2) GEOLOGY &amp; SOILS</b>						
a) The applicant shall submit an erosion control plan to reduce wind erosion impacts.	Building, Planning & Engineering Dept	Grading Plan issuance	Prior to issuance of grading permits	Plan check		Withhold grading permit
b) Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures.	Building Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
c) After clearing, grading, or earth moving: i) Seed and water until plant cover is established. ii) Spread soil binders. iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. iv) Sweep streets if silt is carried to adjacent public thoroughfares	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
d) Obtain authorization to discharge storm water under an NPDES construction storm water permit and pay appropriate fees.	Engineering Dept	Grading Plan issuance	Prior to issuance of grading permits	Plan check		Withhold grading permit
<b>3) GREENHOUSE GAS EMISSIONS</b>						
a) The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project: i) Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant, low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects. ii) Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors. iii) Reduce heat gain from pavement and other similar hardscaping;	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit

## CEQA Environmental Checklist Form

File No(s): PDEV16-016, PMTT16-012 and PSPA16-002 – The Exchange Industrial

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
iv) Pursuant to the City's CAP, the project will be required to implement the following design features:  (1) Energy efficiency of at least 5 percent greater than 2010 Title 24 requirements, and  (2) Water conservation measures that matches the California Green Building Code in effect as of January 2011.						

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA16-002, AN AMENDMENT TO THE EXCHANGE SPECIFIC PLAN TO ESTABLISH THE INDUSTRIAL PARK (IP) LAND USE DEVELOPMENT STANDARDS, REGULATIONS AND DESIGN GUIDELINES FOR 10.59 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF ONTARIO MILLS PARKWAY, EAST OF THE I-15 FREEWAY, WITHIN THE INDUSTRIAL PARK LAND USE DISTRICT OF THE EXCHANGE SPECIFIC PLAN. (RELATED FILE NOS. PMTT16-012 AND PDEV16-016), AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-012-19.

WHEREAS, ORBIS REAL ESTATE PARTNERS ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA16-002, as described in the title of this ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.59 acres of land generally located north of Ontario Mills Parkway and east of the I-15 Freeway, within Industrial Park (IP) land use designation of The Exchange Specific Plan and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Freeway Commercial land use district of the Exchange Specific Plan and is developed with commercial uses. The properties to the east and south are utilized for utility purposes (SCE Easement and Flood Control) and are within the Open Space-Recreation (OS-R) zoning district. The I-15 Freeway is located to the west of the project site; and

WHEREAS, the project site is located within the Ontario Recovery Unit for the Delhi Sands Flower-Loving Fly (DSF). It was determined by a Delhi Sands Flower-Loving Fly Habitat Suitability Assessment (Michael Baker International, December 2015) that the project site does not support suitable habitat for the DSF due to heavily mixed and contaminated soil. As a result, the study determined that the project site does not support clean Delhi Sand soils needed for suitable habitat for the DSF; that the DSF is absent from the site and that no further actions or additional focused surveys were recommended. As a result, the site is not considered habitat and no adverse impact to the DSF is anticipated; and

WHEREAS, the Specific Plan Amendment (see Exhibit A: *The Exchange Specific Plan*) was submitted in conjunction with a Tentative Parcel Map (File No. PMTT16-012) and Development Plan (File No. PDEV16-016), which are necessary to facilitate the proposed Project; and

WHEREAS, the Exchange Specific Plan Amendment is required to establish the Industrial Park (IP) land use development standards, regulations and design guidelines, which are necessary to facilitate the proposed Project; and



WHEREAS, 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.

WHEREAS, the proposed Specific Plan Amendment is a Major Land Use Action as defined by Table 2-1:Major Land Use Actions of the ONT Airport Land Use Compatibility Plan (ALUCP) requiring Project Notification to the ONT-IAC Technical Advisory Group (TAG); and

WHEREAS, the Project Notification was routed to ONT-IAC TAG on June 20, 2016, for concurrence with the City of Ontario's Consistency Determination for the proposed project; and

WHEREAS, ONT-IAC TAG members responded within 20 days stating their concurrence with the City of Ontario's Consistency Determination for the proposed Specific Plan Amendment; and

WHEREAS, 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; 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, on August 15, 2016, the Development Advisory Board of the City of Ontario conducted a hearing to consider the initial study, Mitigated Negative Declaration ("MND"), and the Project, and concluded said hearing on that date, voting to issue Decision No. DAB16-035 recommending approval of the Application; and

WHEREAS, on August 23, 2016, the Planning Commission of the City of Ontario conducted a hearing to consider the MND, the initial study, and the Project and issued Resolution No. PC16-044 recommending City Council approval of the Application; and

WHEREAS, on September 20, 2016, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Mitigated Negative Declaration, and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on September 20, 2016, the City Council approved a resolution adopting the Mitigated Negative Declaration prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the MND, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The MND, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

b. The MND contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program, and the initial study.

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

a. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Amendment to the Exchange Specific Plan will establish the design guidelines, development standards and regulations for the Industrial Park (IP) planning area within the Exchange Specific Plan and will be in conformance with The Ontario Plan (TOP) Policy Plan Land Use Plan and will comply with the Policy Plan goals and policies applicable to the Specific Plan.

b. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The proposed amendment to the Exchange Specific Plan will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because it will establish design guidelines, development standards and regulations for the Industrial Park planning area of the Exchange Specific Plan that will facilitate the development of four industrial buildings that will be consistent with The Ontario Plan (TOP) Policy Plan Land Use Plan and will comply with the Policy Plan goals and policies.

c. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses. The project site is located in an area that is developed with urban land uses. The Exchange Specific Plan Amendment will establish design guidelines, development standards and regulations for the Industrial Park planning area that will be complimentary to the existing surrounding development.

d. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed Amendment to the Exchange Specific Plan will establish the Industrial Park design guidelines, development standards and regulations to facilitate the development of four industrial buildings that will be consistent with TOP Policy Plan. The proposed project will be developed with adequate lot size, access and utilities to serve the project.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports, attached hereto and incorporated herein by this reference.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 20, 2016 and adopted at the regular meeting held \_\_\_\_\_, 2016 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

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

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

(SEAL)

**Exhibit “A”**

FILE NO. PSPA16-002  
The Exchange Specific Plan Amendment

*(The Exchange Specific Plan Amendment to follow this page)*

---

# ***THE EXCHANGE IN ONTARIO SPECIFIC PLAN***

# ***The Exchange in Ontario, California***

---

## ***Specific Plan***

Prepared For (2003):

**J&R Oil Company, Inc.**  
204 South Joy Street  
Corona, CA 92879  
Hagop Kofdarali, President

Prepared By (2003):

**Pierce/ Cooley Architects, Inc.**  
Architecture & Planning  
17280 Red Hill Avenue  
Irvine, CA 92614

In Association with:  
(2003)

**CDPC**  
Landscape Architect

**Canty Engineering Group, Inc.**  
Consulting Civil Engineers

Submitted to:

**The Planning Department**  
**City of Ontario**  
Jerry L. BlumScott Murphy, Planning Director

Submitted May 5, 2003

**J&R Oil Company, Inc., Applicant**

Amendment 1- PSPA07-001 Submitted May 10, 2007

**Mammoth Development, Applicant**

Amendment 2 – (Case No. TBD) Submitted January 8, 2016  
Orbis Real Estate Partners (revised 1/15/2016)



## **Table of Contents**

### **1.0 Introduction**

- 1.1 Purpose of Specific Plan
- 1.2 Content of the Specific Plan
- 1.3 Project Description
- 1.4 Location

### **2.0 General Notes**

- 2.1 Authority for Specific Plan
- 2.2 Relationship to the Ontario General Plan
- 2.3 Relationship to Ontario Municipal Code, Standards, Policies and Other Requirements
- 2.4 Nuisance Factors
- 2.5 Definitions
- 2.6 Severability

### **3.0 The Exchange (Overall Plan)**

- 3.1 Features of the Plan
- 3.2 Design Concept
- 3.3 Design Program
- 3.4 General Sign Guidelines and Regulations
- 3.5 Parking
- 3.6 Circulation
- 3.7 Energy Design Guidelines
- 3.8 Water Management Program
- 3.9 Utilities
- 3.10 Grading
- 3.11 Maintenance

### **4.0 Freeway Commercial (FC) Planning Area**

- 4.1 General
- 4.2 Permitted uses
- 4.3 Setbacks and Distances Between Buildings
- 4.4 Loading and Storage
- 4.5 Refuse Collection Areas
- 4.6 Architectural Design Guidelines
- 4.7 Landscaping and Streetscape
- 4.8 Landscape Design Guidelines

## **5.0 Industrial Park (IP) Planning Area**

~~This Space reserved~~

5.1 General Development Standards

5.2 Permitted Uses

5.3 Setbacks and Separations

5.4 Loading and Storage Areas

5.5 Refuse Collection Areas

5.6 Architectural Design Guidelines

5.7 Landscape Design

# ***The Exchange in Ontario, California***

---

## **1.0 INTRODUCTION**

### **1.1 Purpose of the Specific Plan**

This Specific Plan document and the associated “SP” – Specific Plan Zoning District is intended to assure the systematic implementation of the City of Ontario General Plan in a logical, comprehensive manner to the specific plan area. The plan fulfills provisions of the Ontario Municipal Code and state law relating to the adoption and administration of Specific Plans. Land use standards, regulations and criteria contained within this document, Planning Area Plans and site plans to follow shall govern all territory known as **The Exchange** and other properties, described in the attached Appendix.

### **1.2 Content of the Specific Plan**

This document provides a framework for development within **The Exchange**. Development standards for each classification of land use within the plan are presented in both written and graphic form. Major components of the development plan, including transportation, streetscapes, sewer and water systems, drainage, energy conservation, and air quality are documented herein. Administrative and procedural requirements are also addressed.

### **1.3. Project Description**

**The Exchange** is an approximately 23.60 acre commercial and industrial development area which is designed as a destination location for customers and visitors transversing through the City traveling north and south on Interstate 15 or traveling across town on 4<sup>th</sup> Street and Inland Empire Boulevard Ontario Mills Parkway. The project offers several integrated commercial and retail services, specialty shops and light industrial uses. **The Exchange** has a stimulating architectural concept designed to attract local and regional trade including resident and traveling shoppers, employees and visitors.

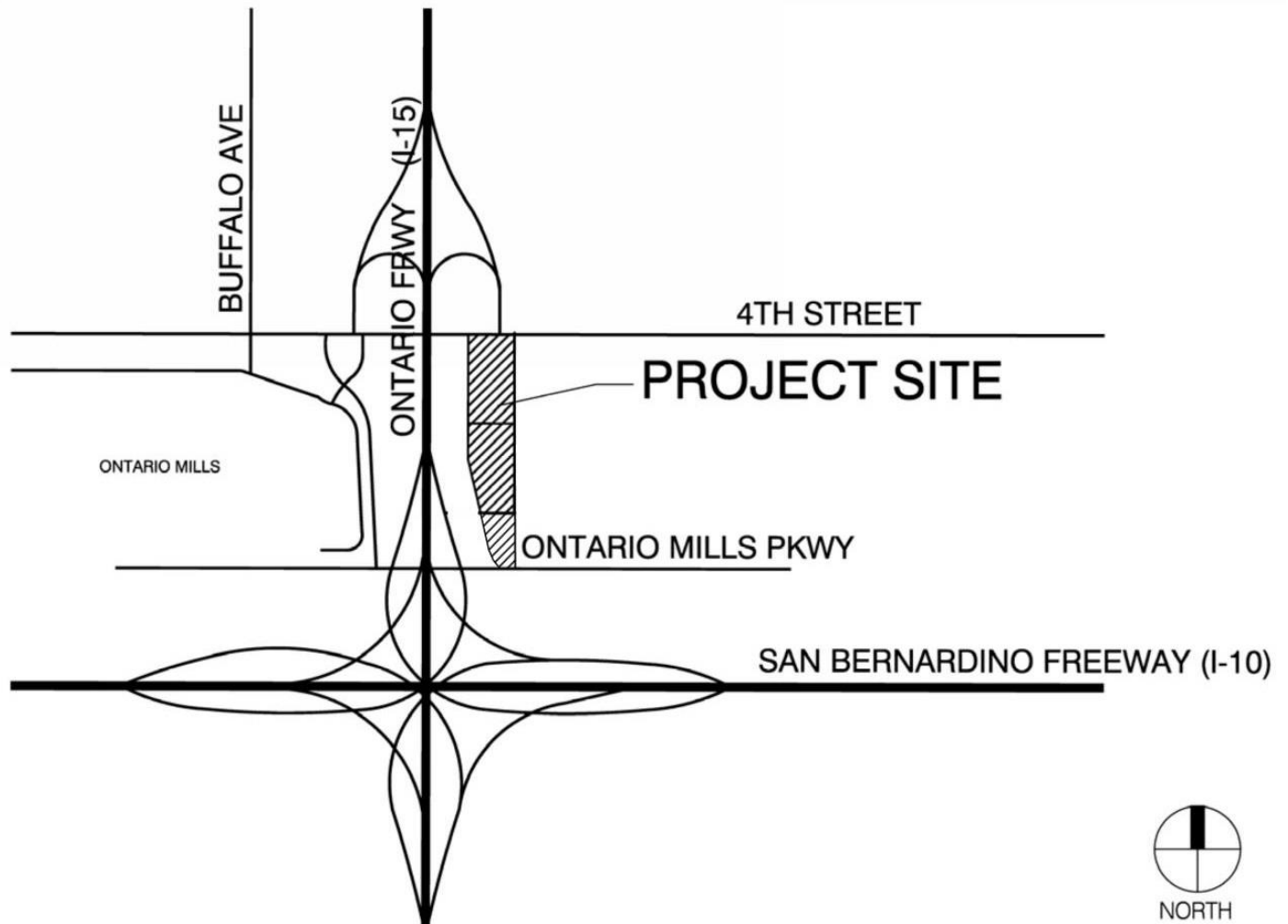
### **1.4 Location**

Comprising approximately 23.60 acres and bounded by Interstate 15 to the west, Fourth Street to the north, The Southern California Edison Right of Way to the east and Ontario Mills Parkway (formerly Inland Empire Boulevard) to the south.

Refer to Exhibit 1.4-A

# ***The Exchange in Ontario, California***

EXHIBIT 1.4-A  
VICINITY MAP



# ***The Exchange in Ontario, California***

---

## **1.5 Legal Description**

Lots 73 to 80, inclusive, Map of Rochester in the City of Ontario, County of San Bernardino, State of California, as per Plat recorded in Book 9 of Maps, Page 20, records of said County.

~~Excepting there from the Southerly 39.816 acres. Also excepting there from the Easterly 120 feet.~~

Also excepting there from that portion conveyed to the county of Sand Bernardino by Deed Recorded February 6, 1970 in Book 7385, Page 259, Official Records.

Also excepting there from that portion conveyed to the State of California by Deed Recorded September 17, 1971 in Book 7754, Page 912, and Official Records.

Also excepting there from that portion conveyed to Southern California Edison Company by Deed Recorded June 14, 1974 in Book 8452, Page 33, Official Records.

Also excepting therefrom that portion conveyed to the Ontario Development, L.L.C., by Grant Deeds recorded April 8, 1996, Instrument No. 96-120640 and 96-120641, Official Records.

Also excepting therefrom that portion conveyed by Grant Deed Recorded October 29, 1993, Instrument No. 93-468427, Official Records, being described therein as follows:

Lots 78, 79, and 80, Map of Rochester, in the City of Ontario, County of San Bernardino, State of California, as per Plat Recorded in Book 9 of Maps, Page 20, Records of said County, and the East 60 Feet of Orange Avenue adjoining on the west which was closed, vacated and abandoned by Ordinance of Board of Supervisors on December 18, 1936, Recorded December 18, 1936, in book 1177, Page 320, Official Records.

Excepting therefrom that portion conveyed to the County of San Bernardino by Deed Recorded February 6, 1971 in Book 7385, Page 259, Official Records.

Also excepting therefrom that portion lying Easterly of the Westerly Line of the Portion conveyed to the State of California for Highway purposed by Deed Recorded September 17, 1971 in Book 7754. Page 912, Official Records.

Together with the East 60 feet of Orange Avenue, adjoining said property on the West, as such Strip was closed, Vacated and Abandoned by Ordinance of Board of Supervisors on December 18, 1936, Recorded December 18, 1936, in Book 1177, Page 320, Official Records.

# ***The Exchange in Ontario, California***

---

## **2.0 GENERAL NOTES**

### **2.1 Authority for Specific Plan**

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) authorizes cities and counties to adopt Specific Plans either by resolution as policy or by ordinance as regulation. When adopted by resolution, the Specific plan expands upon the broad policy direction of the general plan by further defining goals and objectives for a precise area with the intention of implementing that policy. Adoption by resolution is common when no existing zoning ordinance or other code is amended. When adopted by ordinance, the customized development regulations and guidelines of the Specific Plan supplement the municipal code and in effect become the zoning for the area.

Ordinance No. 2124, adopted by the Ontario City Council on March 16, 1981, allows for the creation, adoption and implementation of Specific Plans within the City. Section 4.01.035 of the Ontario Development Code (effective 1/1/2016) establishes procedures for Specific Plans.

### **2.2 Relationship to the Ontario General Plan**

This is a regulatory Specific Plan. It serves as zoning for the property involved. Development plans, site plans and tentative parcel maps or tract maps in this area must be consistent with this Specific Plan. If a development agreement is sought, it must also be found to be consistent with the General Plan and this Specific Plan. Implementation of **The Exchange** carries out each of the commercial and industrial goals, principles and standards contained in the General Plan in an orderly and attractive fashion.

### **2.3 Relationship to Ontario Development Code, Standards, Policies and Other Requirements**

Any standards or land use proposals not specifically covered by this plan are subject to the regulations of the ~~City of~~ Ontario Zoning Ordinance Development Code and Standard Specifications and Drawings of the City of Ontario. Unless otherwise specifically approved in this Specific Plan, all off-site improvements are subject to the City of Ontario policies and standards in effect at the time of submittal of improvement plans. Whenever there is a conflict between this Specific Plan and the Ontario Development Code requirements, the more stringent standard shall apply.

All construction within **The Exchange** shall be in compliance with the Uniform Building Code, Uniform Fire code and all other ordinances adopted by the City pertaining to construction and safety features. All other City standards and policies shall apply at the time of submittal.

### **2.4 Nuisance Factors**

All nuisance factors associated with the implementation of the Specific Plan during construction and operation phases of the project, including the emission of light, glare, noise, dust and smoke, shall be governed in accordance with the mitigation measures from the Ontario Municipal Code and all other applicable codes and laws.

### **2.5 Definitions**

For the purpose of carrying out the intent of this Specific Plan, words, phrases and terms shall be deemed to have the meaning ascribed to them in the following section. In construing the provisions of this text, specific provisions shall supersede general provisions relating to the

# ***The Exchange in Ontario, California***

---

same subject. All other definitions shall be as per the Ontario ~~Zoning Ordinance~~Development Code. Terms not defined in the Ontario ~~Zoning Ordinance~~Development Code shall have the meaning ascribed in Webster's Collegiate Dictionary.

The word “**City**” shall refer to the City of Ontario.

The words “**City Council**” shall mean the City Council of the City of Ontario.

The words “**Planning Commission**” shall mean the Planning Commission of the City of Ontario.

The words “**Development Advisory Board**” or “**DAB**” shall mean the Development Advisory Board of the City of Ontario.

The words “**Specific Plan**” shall refer to this Specific Plan for **The Exchange** prepared pursuant to Section 65450 et seq. of the California Government Code and duly adopted by the Ontario City Council.

The words “**The Center**”, “**The Development**” or “**The Exchange**” shall refer to those properties described in the attached Appendix.

The word “**shall**” is mandatory; “**should**” is encouraged, but not mandatory.

The word “**permitted**” means permitted without the requirement for further discretionary permits, but subject to all other applicable regulations.

The words “**acres**” or “**acreage**” shall mean approximate acres.

**Administrative and Professional Office:** A place of business for the rendering of service or general administration, but excluding retail sales.

**Alteration:** Any change of copy, color, size, shape, illumination, position, location, construction, or supporting structure of a sign.

**Applicant:** A person or entity making application for a Site Plan, subdivision map or other land use approval pursuant to the Specific Plan.

**Sign Area:** The entire face of a sign, including the advertising surface and framing, trim, or molding but not including the supporting structure.

**Background Area of Sign:** The entire area of a sign within which copy could be placed.

**Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper or similar material used for advertising purposes and attached to, or appended on or from any structure, staff, line, framing, or vehicle. Flags of a nation or of the State of California, when displayed in the appropriate manner, are exempt from these regulations.

**Building Elevation:** The total area of the building's elevation, excluding the area of the roof.

# ***The Exchange in Ontario, California***

---

**Building Height:** The vertical distance measured from the finished hard surface or ground surface at the base of and directly adjacent to, a building to the top of the building's parapet or, in the case of a sloped roof, the highest point of its roof. On flat roofed structures, the building height does not include the height of mechanical penthouses or screens.

**Building Site:** A legally created parcel, which is to be improved in conjunction with a detailed site plan.

**Business Park:** An area used for industrial, support services and offices which is planned and maintained as a unit, wherein the development of any property and the conducting of any permitted use is subject to site development standards which include setback regulations and the installation and maintenance of common areas, parking, lighting, landscaping and screening.

**Collector Street:** Those minor roadways constructed as a part of **The Exchange** which have the minimum design characteristics shown on the adopted City of Ontario Master Plan of Streets and Highways.

**Community Facility:** A noncommercial use established primarily for the benefit and enjoyment of the population of the community in which it is located.

**Comprehensive Sign Program:** A voluntary alternative to the standards set forth in this manual for the application and review of large-scale sign programs. It is intended to provide additional standards relative to color materials, location and design.

**Construction Sign:** A temporary sign stating the name of the future site occupancy and may include the name, address and telephone number and businesses directly related to the construction project.

**Development:** Hospitality, commercial, industrial, retail or other construction, together with the land upon which the buildings or structures are constructed.

**Development Intensity:** The gross square footage of commercial or industrial buildings permitted on a given Planning Area.

**Development Standards Committee (DSC):** A Property Owners Association special committee responsible for reviewing and approving development plans as well as interpreting, reviewing and approving all proposed signage within **The Exchange** as documented in the Planned Sign Program. Final approval and permitting is under jurisdiction of the City of Ontario.

**Directional Sign:** A directional sign located within a complex boundary designed to direct vehicular traffic to a particular business or function.

**Ground Sign:** A sign supported by one or more uprights, poles, posts or braces placed on or upon the ground, which are not a part of, or attached to a building. This definition includes the terms: monument signs," "pylon signs," "free-standing signs," and "pole signs."

**Height of Sign:** The greatest vertical distance measured from the natural ground level directly beneath the sign or the grade to the top of the sign.

**Identification Sign:** A sign which serves to identify only the name, address, and lawful use of the activity to which it relates and which sets forth no other advertisement.



# ***The Exchange in Ontario, California***

---

**Illegal Sign:** any sign placed without proper approval as required by **The Exchange** Specific Plan or permits required by the City of Ontario at the time said sign was placed.

**Illuminated Sign:** A sign, which has an artificial source of light. This definition shall include any sign containing electric wiring or any sign with an indirect light source.

**Industrial Park:** An area utilized for industrial manufacturing and support services, planned as a unit, pursuant to the standards contained in this Specific Plan.

**Joint Use (of parking):** The shared use of off-street parking facilities by more than one type of land use. The same parking spaces are counted to satisfy the off-street parking requirements of more than one land use when it can be demonstrated that the peak parking demands for each use vary and the total number of parking spaces will meet the total parking demand at all times.

**Local Street:** Those minor roadways constructed as a part of **The Exchange** which have the minimum design characteristics shown on the adopted City of Ontario Master Plan of Streets and Highways.

**Master Plan:** A master conceptual site plan indicating the intended uses for the Center.

**Planning Area:** A combination of multiple building sites demarcated by principal street or similar boundaries and which also contains similar land uses, as shown on Exhibit 3.1-A.

**Planning Area Plan:** A master conceptual site plan for a Planning Area or combination of Planning Areas prepared according to this document.

**Principal Street:** Those major thoroughfares bordering The Center, specifically Fourth Street and Inland Empire Boulevard.

**Property Owners Association (POA):** Refers to those Property Owners Association(s) as are established by CC&Rs for specific properties within **The Exchange** (such associations are formed pursuant to the non-profit mutual benefit corporation law of the state of California), and includes successors and assigns, who shall enforce compliance to all sign regulations set forth in this document.

**Real Estate Sign:** Any temporary sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease, or rent.

**Retail:** The selling of goods, wares, or merchandise directly to the ultimate consumer.

**Roof Sign:** Any sign erected above a building parapet or between the lowest and highest points thereof.

**Sign:** Any device for visual communication or attraction including any announcement, declaration, demonstration, display, illustration, insignia or symbol used to advertise or promote the interest of any business entity or person; together with all parts, materials, frame, and background.

# ***The Exchange in Ontario, California***

---

**Site Plan:** A precise, dimensioned drawing prepared pursuant to provisions contained within this Specific Plan and the Ontario Zoning Development Code regarding site plans, development plans and design concept reviews, indicating intended use for a parcel or building site, including the location and extent of building area, parking area, landscaping, recreation and open space areas, including exterior boundary dimensions, a legal description and summary of proposed uses. A site plan may also contain other data deemed important by the City Planner for review purposes.

**Site Plan Review:** The process, as outlined in this Specific Plan and the Ontario Zoning Development Code, deals with DAB review and approval of site plans, development plans, and design concept reviews, all submitted in accord with this Specific Plan.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

**Wall Sign:** A sign attached to or erected on the exterior wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

## **2.6 Severability**

If any term, provision, condition or requirement of this Specific Plan shall be held invalid or unenforceable, the remainder of this specific Plan or the application of such term, provision, condition, or requirement to circumstances other than those in which it is held invalid or unenforceable shall not be affected thereby; and each term, provision, condition or requirement of the Specific Plan shall be valid and enforceable to the fullest extent permitted bylaw.

## **3.0 THE EXCHANGE**

### **3.1 Features of the Plan**

#### **3.1.1 Introduction**

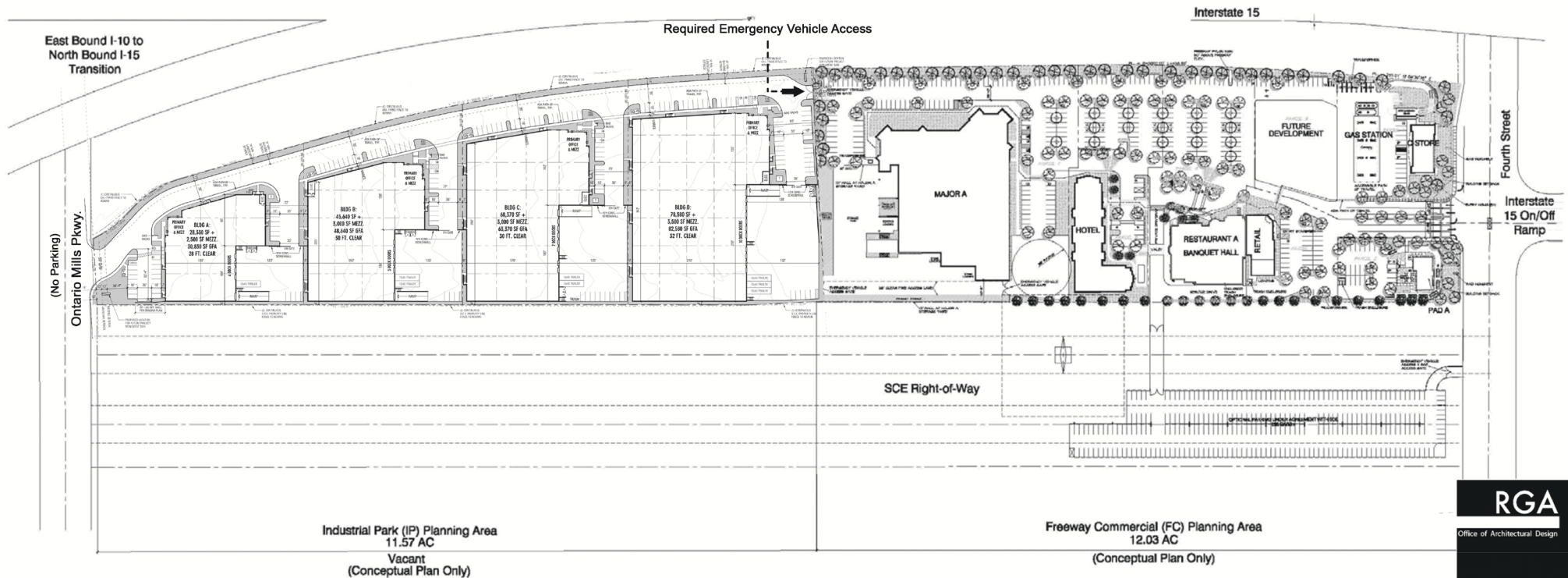
Planning for **The Exchange** has considered not only the setting of the site, but also those critical concerns and issues facing the community and region through the end of the decade and beyond: Energy, transportation, demographics and urban services. The Land Use Plan (Exhibit 3.1-A) delineates two planning areas: The Freeway Commercial (FC) Planning Area comprised of approximately 12.03 acres to the north and the Industrial Park (IP) Planning Area comprised of approximately 11.57 acres to the south. The plan provides for:

- A balance of employment, shopping and service opportunities, reducing the need for long commutes.
- A mixture of retail, service and industrial opportunities for Center users.
- An integrated circulation network encouraging pedestrian walkways and bicycle routes.
- A comprehensive urban design treatment, integrating the Center into an urban form, which is both visually pleasing as well as functional.

Although specific requirements in each of the planning areas may vary, the plan is composed of key components, each critical to the success of the other. Although the two planning areas are described in their respective parts of this Specific Plan, the components of the plan should not be viewed as independent entities, but in terms of an integrated whole, working together to create a dynamic urban experience.

Refer to Exhibit 3.1-A

EXHIBIT 3.1-A  
LAND USE PLAN & CONCEPTUAL SITE PLAN



LAND USE PLAN  
CONCEPTUAL SITE PLAN

THE EXCHANGE  
ONTARIO, CALIFORNIA

PROPOSED

# ***The Exchange in Ontario, California***

---

## **3.1.2 Freeway Commercial Planning Area**

Freeway Commercial (FC) uses include lower intensity commercial and retail uses placed in a park-like setting with a strong, freeway oriented signage and architectural program. Freeway Commercial uses, totaling approximately 12 acres, are located at the northerly portion of the Center, south of Fourth Street to maximize aesthetics, employment and transportation benefits.

Refer to Part 4.0 for additional information regarding Permitted and Conditionally Permitted Uses within the Freeway Commercial District.

## **3.1.3 Industrial Park Planning Area**

Industrial Park (IP) uses include “clean” light manufacturing, research and development, warehousing and distribution, and multi-tenant industrial uses. Industrial Park uses, totaling approximately 11.5 acres, are located at the southerly portion of the Center, north of Ontario Mills Parkway.

Refer to Part 5.0 for additional information regarding Permitted and Conditionally Permitted Uses within the Industrial Park ~~District~~Planning Area.

## **3.1.4 Land Use Design Flexibility**

The boundary between the FC and IP planning areas may vary allowing for a maximum of 25% of contiguous area of one zone to be incorporated into the other with the approval of the Planning Director.

## **3.2 Design Concept**

### **3.2.1 Overview**

The major organizing design element is the I-15 Freeway running north and south along the west side of the property and bordered by 4<sup>th</sup> Street (on the north) and ~~Inland Empire Boulevard~~Ontario Mills Parkway (on the south). The freeway element provides the visual identification to the center and allowing for a number of business uses that require visibility.

While the I-15 freeway provides for visual identification by the commuter traffic, 4<sup>th</sup> Street and ~~Inland Empire Boulevard~~Ontario Mills Parkway provides access for the surrounding community.

## **3.3 Design Program**

### **3.3.1 Unique Requirements for Planning Areas**

Although there are common requirements for the overall plan, which are described in this section, unique design features and requirements exist for each of the two planning areas. These features and requirements are described in Sections 4.0 (Freeway

# ***The Exchange in Ontario, California***

---

Commercial (FC) Planning Area) and 5.0 (Industrial Park (IP) Planning Area). If a conflict occurs between the overall requirements and the specific requirements, the specific requirements shall take precedent.

## **3.3.2 Landscape Concept**

An integrated streetscape concept has been designed in order to enhance ~~and unify~~ areas within ~~each the~~ planning area. The concept may be described as one of structured informality. The intent is to use asymmetrical landscape patterns, street furniture and landscape to create a harmonious, functional environment. This offers the benefits of a pleasing design while maintaining flexibility to accommodate individual development programs within **The Exchange**.

Major elements of the streetscape concept include:

### **(A) Project Edges**

Theme planting occurs adjacent to Fourth Street, ~~Inland Empire Boulevard~~ and the Interstate 15 Freeway to delineate and demarcate the boundaries of **The Exchange**. The predominant theme is verticality, exemplified by the use of pine tree species. Broad, spreading type canopy trees are also used to add variation and contrast in form. Schematic design and sections are shown on Exhibits 3.3-A and 3.3-B.

### **(B) Interior Theme Drives**

The major circulation driveways on Fourth Street landscaped with accent trees and a consistent landscape theme emphasize major vehicular and pedestrian circulation patterns. Schematic design and sections are shown on Exhibits 3.3-C and 3.3-D.

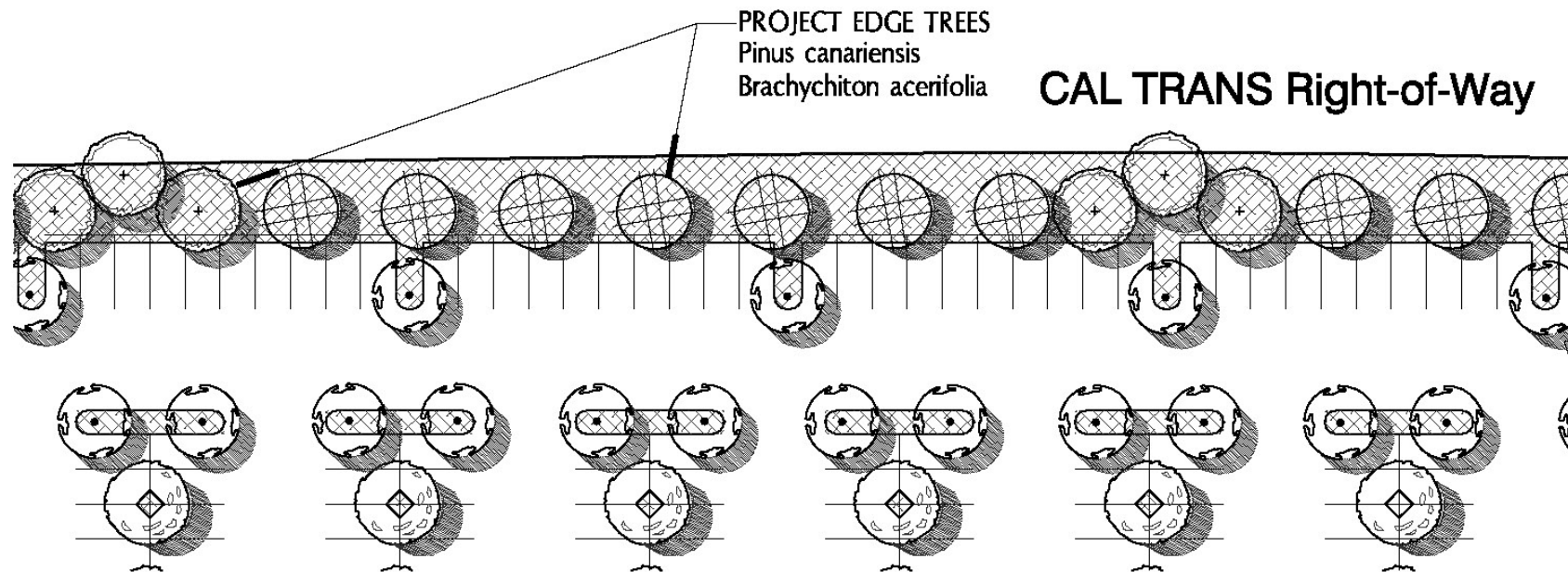
### **(C) Special Landscape Treatment**

Special treatments are planned around the project entries and intersection nodes at Fourth Street. Plantings within ~~this~~ these important areas assist in creating the unique environment found within **The Exchange**. Schematic design and sections are shown on Exhibits 3.3-E and 3.3-F.

### **(D) Stormwater runoff retention and treatment concepts for the development are intended to prevent the discharge of excessive and contaminated stormwater and irrigation runoff into the Day Creek flood control channel. Pavement and landscape design elevations shall direct "First Flush" stormwater runoff and routine irrigation runoff into swales, ~~or~~ vertical drywells, basins or underground chambers, or a combination thereof, for on-site infiltration and ~~d~~retention with the remainder of the runoff directed into ~~installed-existing~~ stormwater drains ~~s~~ filters or clarifiers.**

# The Exchange in Ontario, California

## EXHIBIT 3.3-A PROJECT EDGE CONCEPT

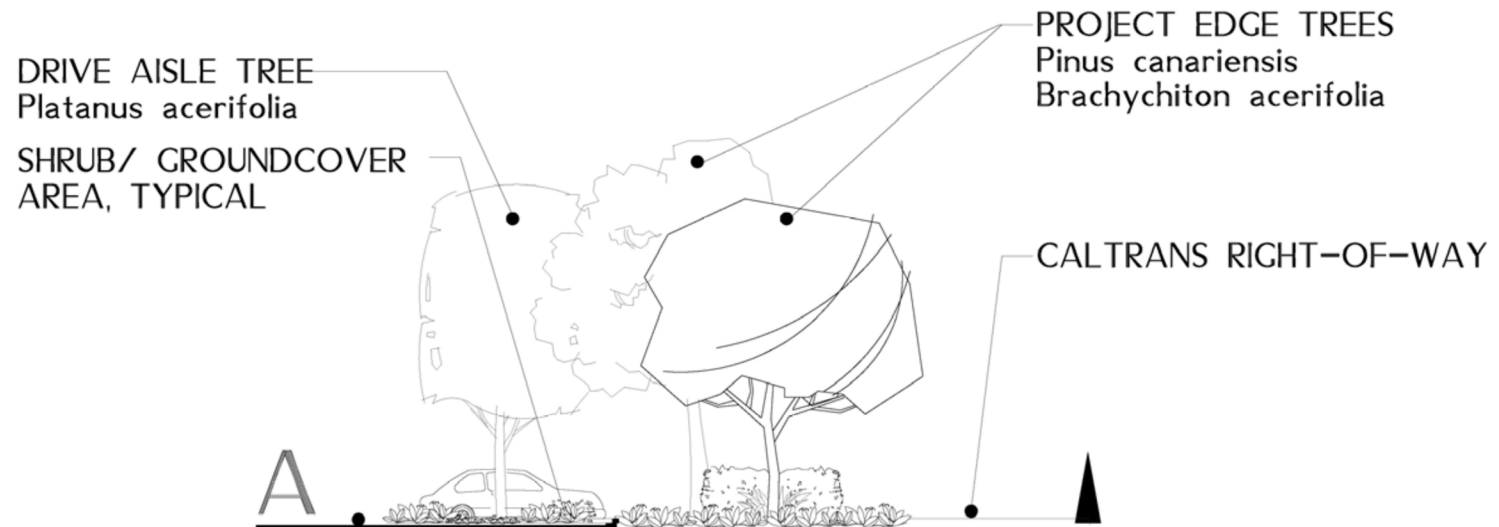




# The Exchange in Ontario, California

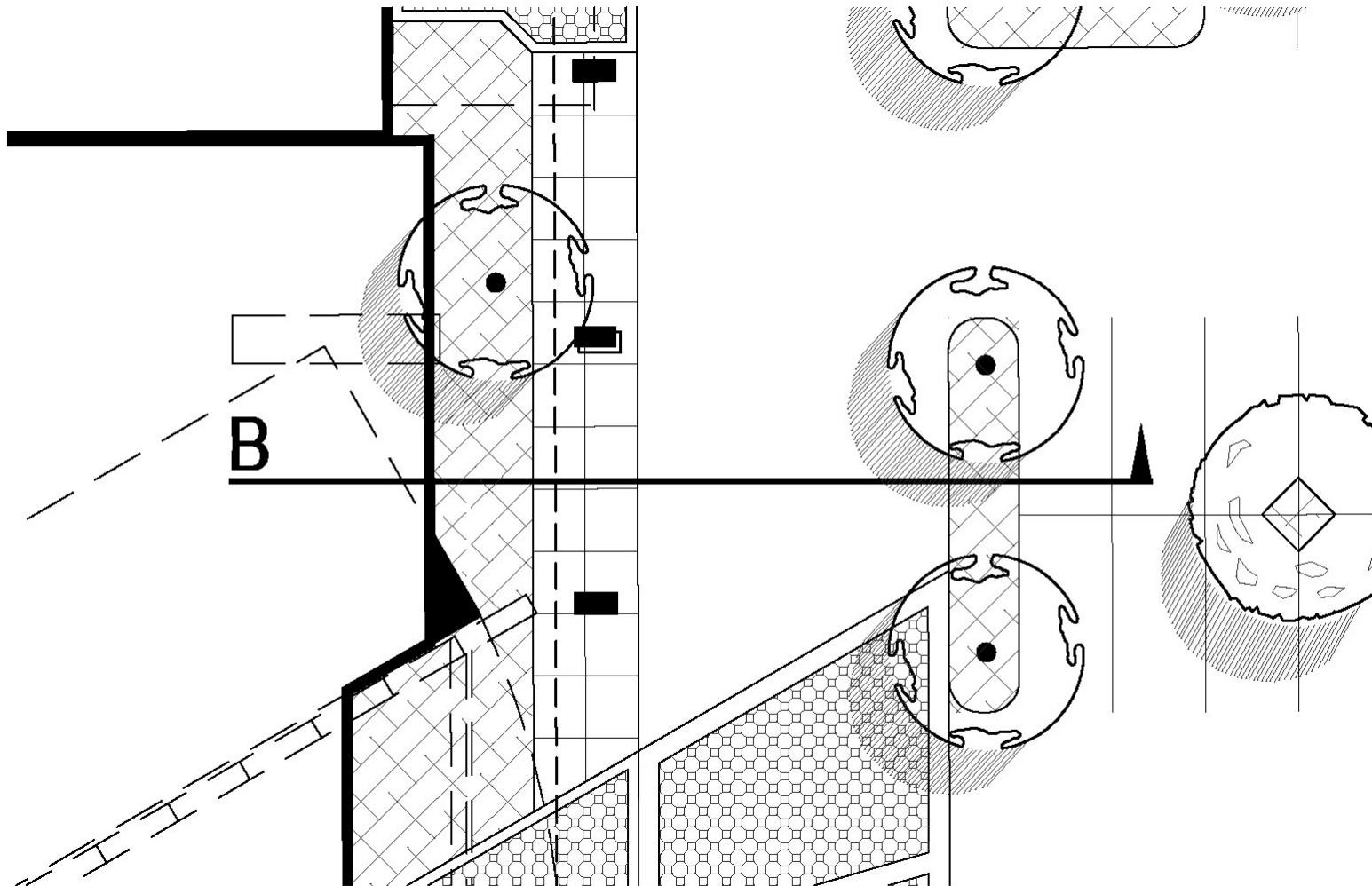
---

## EXHIBIT 3.3-B PROJECT EDGE SECTION





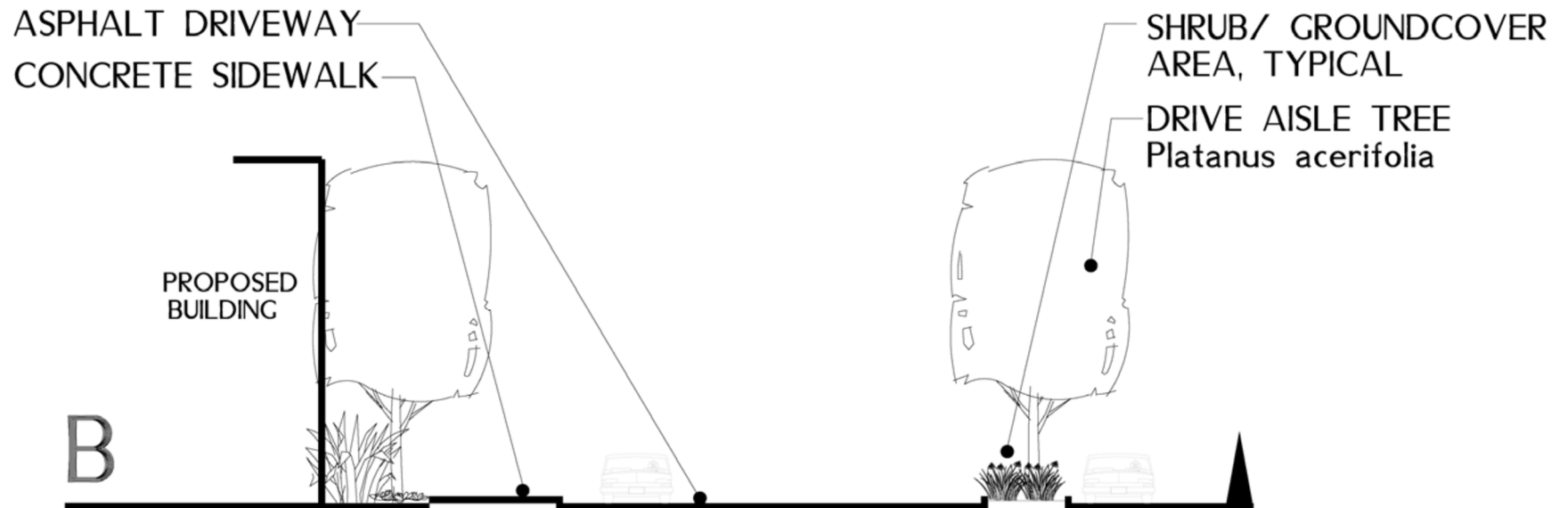
## **EXHIBIT 3.3-C INTERIOR THEME DRIVE CONCEPT**



# ***The Exchange in Ontario, California***

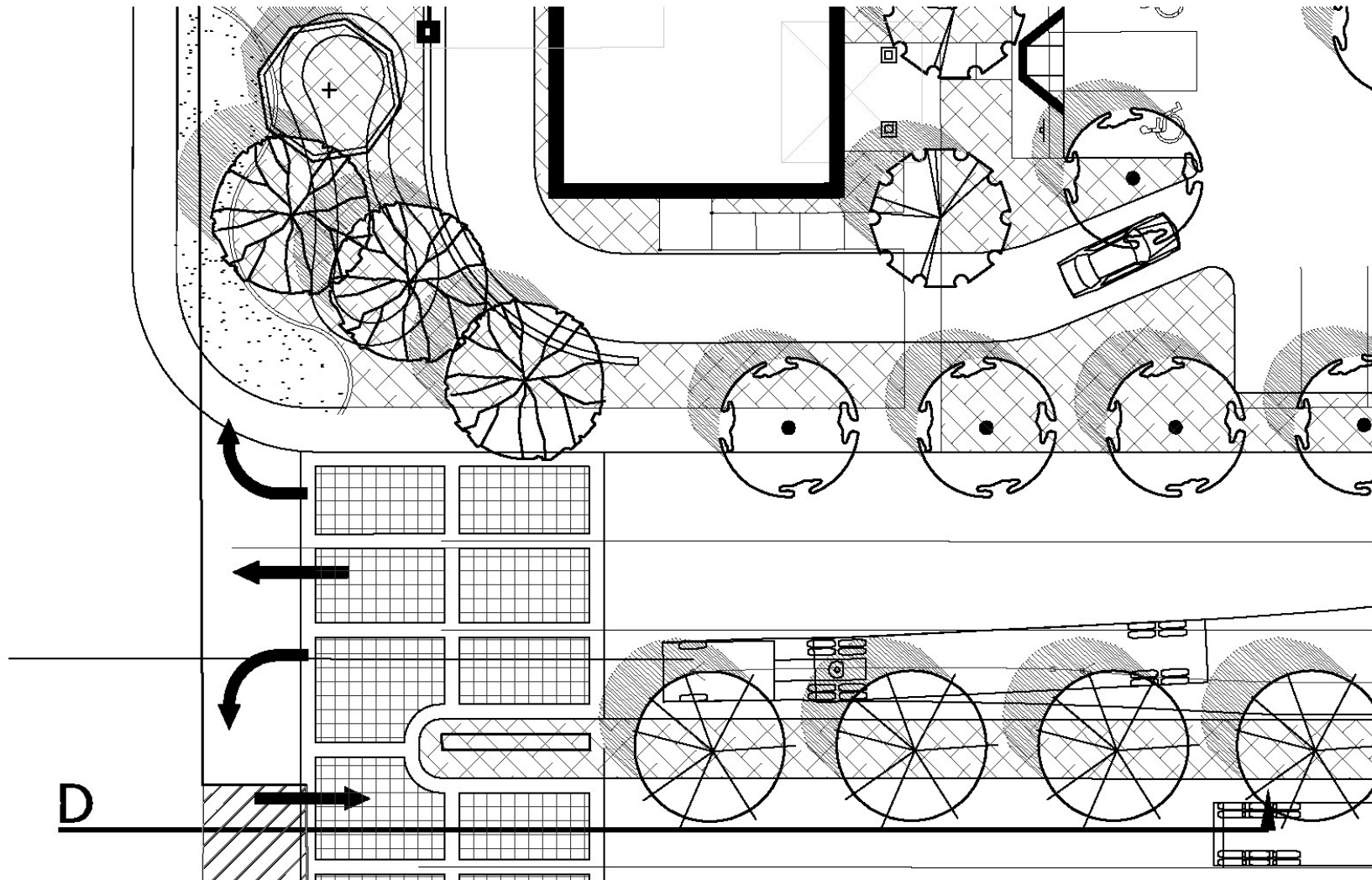
---

## **EXHIBIT 3.3-D INTERIOR THEME DRIVE SECTION**



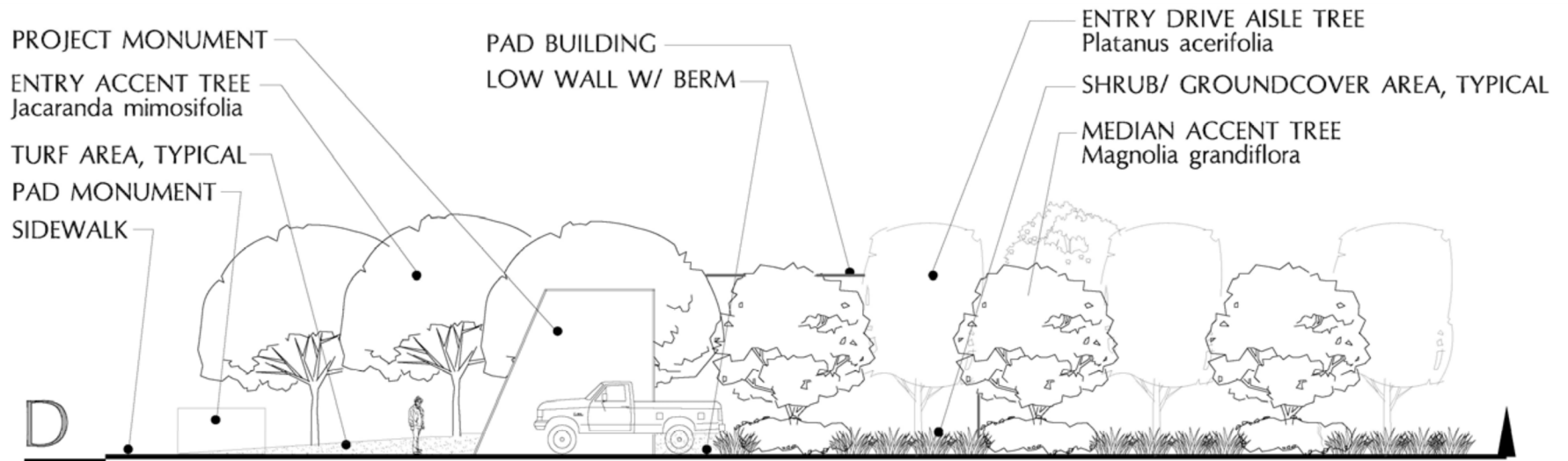
# ***The Exchange in Ontario, California***

EXHIBIT 3.3-E  
SPECIAL LANDSCAPE TREATMENT CONCEPT



# The Exchange in Ontario, California

## EXHIBIT 3.3-F SPECIAL LANDSCAPE TREATMENT SECTION



# ***The Exchange in Ontario, California***

---

## 3.3.3 Architectural Design Concept

Architectural concepts for the Center are intended to assure that all buildings within **The Exchange** are thematically related, complementary to one another, and enhance the overall appearance of the development. The Specific Plan establishes general standards and requires that individual buildings and/or phased construction generally conform to the design established in each planning area.

## **3.4 General Sign Requirements and Regulations**

### 3.4.1 Sign Concept

3.4.1.1 Sign concepts for the Center are intended to assure that all signage is both functional and tasteful. Signs are to be located and designed to complement the architecture of the building and the overall appearance of the Center. All signs will exhibit clarity of presentation, facilitating communications with the user as well as being in conformance with Federal and State Highway standards, where applicable. The Specific Plan establishes general standards and requires that a comprehensive sign program be submitted for approval prior to the installation or erection of any sign.

3.4.1.2 At the time that initial sign design program is submitted, a project symbol shall be developed for use on primary and secondary project identification and amenity elements. The symbol may be used with and without the accompanying The Exchange logotype.

#### 3.4.1.3 Freeway Pylon Signs

Due to the elevation of the project below the adjacent freeway and distance of the property from the freeway traffic lanes, the height of a single freeway pylon sign for each planning area may be increased to up to a maximum of fifty feet (50') above the freeway traffic lanes (75' maximum above grade). The sign area of these signs may be up to 300 square feet for each of two sign faces per pylon sign. The actual height, sign area and design of these signs are subject to review by the City of Ontario and shall be included in the Sign Program.

### 3.4.2 Compliance Required

No person shall erect, re-erect, construct, enlarge, alter, repair, move, improve, convert, equip any sign or sign structure, or paint a wall sign in **The Exchange**, or cause, or permit the same to be done, contrary to this sign program. The City of Ontario is responsible for enforcing compliance through sign and building permit process. Any installed, nonconforming or unapproved sign must be brought into conformance with this sign program. Enforcement procedures are outlined in Section 3.4.12.

### 3.4.3 Interpretation of Sign Program Provisions

All signs to be installed within The Ontario Center must be reviewed and approved by the Development Standards Committee (DSC) of **The Exchange** and the City of Ontario. ~~(See Section 7.5, Permit Requirements and Review Procedures.)~~

# ***The Exchange in Ontario, California***

---

## 3.4.4 Sign Maintenance

- 3.4.4.1 All signs, together with all their supports, braces, and anchors shall be properly maintained with respect to appearance, structural and electrical features. The display surface of all signs shall be kept neatly painted or posted at all times.
- 3.4.4.2 All signs on private property shall be subject to the following maintenance provisions: (1) rust or other corrosion due to the elements shall be removed and the sign refinished; (2) cracked or broken sign faces shall be adequately repaired or replaced; and (3) malfunctioning lamps shall be replaced. Proper and timely maintenance of all signs will be enforced.

## 3.4.5 Maintenance

3.4.5.1 Responsibility for maintenance of general **Exchange** signage shall be as follows:

- (A) The City of Ontario or other appropriate public agency shall maintain all standard regulated traffic control signage consisting of regulatory, warning and guidance elements located on public rights-of-way, and easements within **The Exchange** development.
- (B) The Property Owners Association shall maintain all primary and secondary **Exchange** project identification and amenity signage located throughout the development and all multi-tenant common signs located at entrances to individual building complexes.

## 3.4.6 Sign Construction

All signs shall comply with the following criteria:

- (A) All signs including proposed methods of illumination must be approved by the Development Standards Committee and the City of Ontario.
- (B) All electrical signs and their installation must comply with all local building and electrical codes.
- (C) No exposed conduits, tubing or raceways will be permitted except as shown on the attached exhibits.
- (D) All cabinets, conductors, transformers and other equipment shall be concealed.
- (E) Electrical service to all signs on privately owned property shall be on Owner's/Occupant's meters.
- (F) All exterior letters exposed to the weather shall be mounted at least ¾" from the building wall to permit proper dirt and water drainage. All bolts, fastenings and chips shall be of stainless steel, aluminum, brass, bronze or other non-corrosive materials. No black iron materials of any type will be permitted.
- (G) Sign Contractor shall repair all damage caused by his work.
- (H) Owners/Occupant shall be fully responsible for the operations of their sign contractor.

# ***The Exchange in Ontario, California***

---

- (I) All sign illumination systems shall minimize the energy needed by utilizing contemporary energy saving techniques and materials.
- (J) Sign materials shall be limited to metal, concrete, glass and acrylic materials with UV inhibitors. All materials shall be of high quality, durability, and require low-maintenance.
- (K) Wall mounted signs shall be constructed of individual letters.
- (L) Exposed neon signage is not permitted.

## **3.4.7 Special Event Signs/Devices**

Temporary signs are subject to the requirements of ~~Section 9-1.3130~~Chapter 8.0 (Sign Regulations) of the City of Ontario Development Code (effective 1/1/2016).

The Development Standards Committee shall review the request for temporary signage within fifteen (15) working days after receipt, and shall make a determination to approve, approve with modifications, or deny the request. Approval period for special event signing shall not exceed thirty days per calendar year. The City Engineer shall review all signs placed within public right-of-way. Window signs permitted pursuant to this section may only cover an area equivalent to 15% of the window glass area facing the street.

## **3.4.8 Address Numerals (Mandatory Signage)**

Address numerals shall be displayed for each building, pursuant to Section ~~9-3.27468.01.020.E~~ of the Ontario ~~Municipal Development~~ Code (effective 1/1/2016). The location of address numerals shall be approved by the Development Standards Committee.

## **3.4.9 Prohibited Signs**

The following signs are not permitted in **The Exchange**:

- (A) Any sign not specifically permitted in accordance with the provisions of this program.
- (B) Signs constituting a traffic hazard, which by color, wording, design, location or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- (C) ~~Private signs are prohibited from being placed in the public right of way. Individual commercial signs placed on public property. Primary project identification elements for The Exchange and regional center are exempt from this regulation.~~
- (D) Signs consisting of any moving, swinging rotating, flashing, blinking, or otherwise animated light. This shall include theatre marquee signs or other similar signs, which may be approved by the Development Standards Committee.
- (E) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.



## ***The Exchange in Ontario, California***

---

- (F) Signs projecting into the public right-of-way, with the exception of traffic control signage.
- (G) Banners, flags, pennants when used for advertising purposes unless approved subject to Section 4.1.5.10. National or state flags displayed in an appropriate manner are permitted.
- (H) Vehicle mounted or portable signs which advertise, identify, or provide directions to a use or activity, that are not related to the vehicle's lawful making of deliveries of sales or of merchandise or rendering of services.
- (I) Light bulb strings, other than temporary decorative holiday lighting.
- (J) Audible signs.
- (K) Signs, which project above a parapet or the highest point of a roof.
- (L) Interior signs within a building that are visible from off-site
- (M) Off-premise signs, other than primary and secondary project identification signs, directional/guidance signs and bus stop identification signs.
- (N) Hand-painted wall, window or ground signs of a permanent nature used to identify a company or products sold within.
- (O) Projecting signs suspended from or supported by a building or structure and projecting outward therefrom.
- (P) Roof mounted signs.

### 3.4.10 Exempt signs

The following signs, if non-illuminated, are allowed and exempt from the application, approval and permit of this sign plan.

- (A) Interior signs within a building or activity, which are not readily visible from outside of the building.
- (B) Official and legal notices issued by any court, public body, person, or officer in performance of a public duty or in giving any legal notice.
- (C) Official flags of the U.S.A., the State of California and other states of the United States, countries, municipalities and official flags of foreign nations. Location and number of flag standards will be subject to review and approval by the Development Standards Committee and the City of Ontario Planning Department.



# ***The Exchange in Ontario, California***

---

## 3.4.11 Signs Relating to Inoperative Activities

Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises, or sign copy on such signs shall be removed, within thirty (30) days after the associated enterprise or occupant has vacated the premises. Any such sign not removed within the required period shall be subject to removal by the Property Owners Association at the expense of the owner of said property.

## 3.4.12 Enforcement

Enforcement shall be pursuant to the provisions of the applicable CC&R's and/or City ~~Ordinances~~ Codes as appropriate.

## **3.5 Parking**

### 3.5.1 Statement of Intent

All site plans for **The Exchange** shall provide an adequate supply of on-site parking spaces commensurate with the level of development constructed. Recognizing the size and diversity of uses that constitute the development, provisions may be made for the shared use of parking facilities and other techniques, which will ensure the efficient use of the land.

### 3.5.2 Minimum Parking Requirements

Minimum parking requirements shall be as specified in the City of Ontario Development Code.

#### Special Provisions

For a use not specified in the schedule, the same number of off-street parking spaces shall be provided as are required for the most similar specified use, or as approved pursuant to a resolution of the Planning Commission. Additional off-street parking spaces may be required by the Planning Commission for any use upon a finding that the additional spaces are needed to relieve a critical shortage of curb spaces, to facilitate the free flow of traffic on a street, or to reduce a hazard to public safety.

### 3.5.4 Exceptions to Parking Requirement

Reductions from the minimum parking requirement for individual uses may be granted by the Planning Commission where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand. Where parking spaces are provided for a project on an adjoining legal lot, a recorded joint access agreement shall be required between the respective property owners, per City procedures.

Requests for reductions for the minimum parking requirements shall be subject to Section ~~9-1.30156.03.020~~ (~~Shared and Multiple-Use Parking and Loading Provisions~~ Reduction in the Required Number of Parking Spaces) of the City of Ontario Development Code (effective 1/1/2016).

# ***The Exchange in Ontario, California***

---

## **3.5.5 Parking Lot and Circulation Standards**

Parking lot and circulation standards, including parking stall dimensions, driveway widths and other design criteria, shall be governed by the appropriate sections of the Ontario Development Code (effective 1/1/2016) and other applicable standards.

## **3.6 Circulation**

### **3.6.1 Overview**

The circulation system for The Exchange incorporates several components into an integrated, balanced whole, which serves to bolster the mixed commercial uses center. The principal components are a vehicular circulation system, a pedestrian system within the center, and a relationship to the industrial park to the south.

Fourth Street, Ontario Mills Parkway, and Interstate 15 form the backbone of the vehicular system. ~~The majority of the T~~traffic will enter and exit the Freeway Commercial (FC) site from 4<sup>th</sup> Street, but the site will not dead-end on itself. Traffic will enter and exit the Industrial Park (IP) site from Ontario Mills Parkway. Site plans for both planning areas shall be designed to accommodate vehicular traffic within their respective planning areas. Care should be taken to minimize the overlap of delivery and customer vehicular paths.

A pedestrian circulation system interrelates with the proposed business within the development and will provide access between the two planning areas. Care should be taken to minimize the overlap of vehicular and pedestrian paths.

### **3.6.2 Provisions for Emergency Vehicles**

Site design shall take in to consideration emergency vehicle access and maneuvering through, within and between each of the planning areas. Gates, if provided to prevent customer circulation between planning areas, shall be approved by the City's Police and Fire departments and designed to accommodate emergency vehicles.

This plan endorses a reflectorized marker program for fire hydrants. This will involve the installation of a blue, reflectorized, raised pavement marker in the emergency-vehicle lane opposite the location of each fire hydrant. This provision will assist the fire department in locating hydrants during fire emergencies.

## **3.7 Energy Design Guidelines**

### **3.7.1 Statement of Intent**

Shortages of traditional energy sources coupled with spiraling prices make energy conservation an important concern in the design of large-scale developments. As such, a program to conserve energy is outlined in this section. Specific techniques listed are intended both as policies to be followed by developers and as guidelines to be used by architects, site planners, and engineers.

### **3.7.2 General Objectives**

All buildings within The Exchange must comply with the minimum State energy conversation standards, presently embodied in Title 24 of the California Administrative Code. ~~As a goal of The Exchange, all major buildings within the Center should exceed minimum Title~~

# ***The Exchange in Ontario, California***

---

~~24 standards by a minimum of ten (10) percent.~~ Typically, State energy standards concentrate on such structural factors as insulation and glazing. Emphasis should be placed on instituting a number of financially feasible conservation techniques, such as appropriate landscaping, daylighting, and water management rather than attempting the implementation of specialized advanced technology devices. Bike and pedestrian paths and transit opportunities also represent conservation measures.

## **3.7.2 Implementation Program**

- 3.7.1.1 Buildings should be designed and situated so that their relationships to each other achieve energy conservation through active or passive solar utilization.
- 3.7.2.1 Buildings and mechanical/electrical systems should be properly monitored and periodically maintained and audited. Energy audits include gathering base information for each building's energy performance and monitoring this information on a periodic basis to determine if conservation techniques are functioning properly.
- 3.7.3.1 Nearly 50 percent of commercial building energy consumption is used for lighting. Daylighting programs reduce lighting power consumption, producing attractive economic returns. The daylighting and energy-saving appliance should be addressed through implementation of a combination of the following:
  - (A) Use appropriate glazing techniques to permit light interior penetration up to 20 feet within buildings. The appropriate ss of glazing are reviewed by the Building Official at building plan check.
  - (B) For interior areas greater than 20 feet from window areas, construct skylights, light wells, interior courts or similar architectural features.
  - (C) Institute appropriate interior layouts to accommodate the daylighting concept.
  - (D) In conjunction with daylighting technology, utilize low wattage light fixtures, dimmer switches, zoned lighting banks, and time controlled lighting controls for public areas.
  - (E) Utilize energy-efficient appliances in all buildings, especially residential, including microwave ovens, pilotless ranges, hot water heaters and heating equipment.
  - (F) The installation of "active" solar hot water and space heating systems may be considered for buildings within the development. However, any decision to include this kind of system within a building should be based upon a careful consideration and comparison of availability, initial system cost, performance and long term opening costs of active systems versus conventional heating systems.

# ***The Exchange in Ontario, California***

---

## **3.8 Water Management Program**

### **3.8.1 Landscape & Irrigation**

Anticipating escalating water costs in the southern California region over the next few years, the following considerations in landscape planning at **The Exchange** should be addressed.

- (A) The proposed plant materials, native and/or adaptive, shall have drought-tolerant qualities as well as tolerance to withstand micro/macro climatic conditions, i.e., heat, frost and high velocity winds. The term “drought tolerant” should not be interpreted to mean that irrigation is unnecessary. Once established, selected plants can be maintained on minimum water requirements.
- (B) The use of reclaimed water for irrigation purposes should be implemented where possible to further reduce use of potable water. Needs would involve storage of gray water, filtration systems and a dual water system. Irrigation costs would be reduced, but further investigation as to short/long-term cost benefits are required. The quality of reclaimed water is of both positive and negative character. Salt build-up in the water and therefore in root zones is a known factor but would be of less concern in sandy soils due to quick percolation and filtration rates. The mineral content, i.e., nitrogen and phosphorus, in reclaimed water is beneficial to plant material as well as cost efficient in reducing the need for applied fertilizers.
- (C) Due to the high percolation rates of existing soils, a drip irrigation system should be used wherever possible to maximize results from applied water and required fertilizers.
- (D) Specific determinations regarding water conservation options shall be submitted to the City ~~Community Services Agency~~ within 90 days after City Council approval of the revised Specific Plan. The landscape and irrigation design shall comply with AB325 Division 6.05 (Landscaping) and water use calculations shall be provided. When reclaimed water is available in 4<sup>th</sup> street or Ontario Mills Parkway, the site shall incorporate use of reclaimed water onsite for landscape purposes.

## **3.9 Utilities**

### **3.9.1 Water Facilities**

#### **3.9.1.1 Introduction**

~~Water service to T~~the Specific Plan area is within provided by the Cucamonga ~~County Valley~~ Water District (CVGWD) service area.

#### **3.9.1.2 Water Demand**

To determine the water supply requirements, land use data is combined with knowledge of water consumption trends. Unit demand factors or duty factors are applied to different land uses to generate estimates of water demand. The unit factors or duty factors represent the amount of water a unit value of space will need. Unit demand factors vary because of the climate and type of land use.

# ***The Exchange in Ontario, California***

---

## 3.9.1.3 System Requirements

- (A) Design and construction of water facilities within The Exchange will be completed under the jurisdiction of the CVWD. All public dedicated water lines will be located within public streets or dedicated easements. Construction materials will be those acceptable to the CVWD. City design standards in effect at the time of submittal of individual projects will be used. The Exchange's developers will cause the construction of water facilities within the Center. Where other properties benefit from the construction of improvements, it is anticipated that an appropriate cost sharing or reimbursement schedule would be approved by the CVWD.
- (B) The water pipelines will be 3 to 5 feet below finished grade elevations unless alternative designs are approved by ~~the City Engineer~~CVWD. The minimum pipe diameter considered is eight inches. Pipe sizes are determined so that velocities are generally below 7 feet per second at peak hour demand or maximum day demand plus fire flow demand. The resulting higher flow criteria are used. Pressures should normally be above 45 psi, although, due to the large differences in the surface elevations of the water services, much higher pressures will normally be present. Mains will be looped to improve circulation in the system and to provide reliability in the event of problems with local water mains.
- (C) Fire hydrants will be spaced in accordance with Fire Department requirements and will generally be located at 300 to 330-foot intervals. Where streets exceed 100 feet in width or where a median is built, fire hydrants will be located on both sides of the street. A minimum clearance of eight feet between hydrants and other street surface obstructions will be maintained.
- (D) Metering of services will be provided to the satisfaction of the CVWD. Exact locations and type of services and meters will be determined during the design phase for each project.

## 3.9.2 Sewage Facilities

### 3.9.2.1 Introduction

~~Sewage collection service within the study Specific Plan~~ area is ~~provided by~~within the Cucamonga ~~County Valley~~ Water District (CVWD) sewer service area. Sewage from the northerly portion of the Center is transported through trunk lines operated by CCWD, which also operates the treatment plants and is responsible for disposal of the effluent.

### 3.9.2.2 Sewage Flows

Wastewater flows are estimated by applying unit flow factors to each distinct land use and multiplying each by a peaking factor. The peaking factor is the ratio of peak flow to average flow.

Unit flow factors vary according to an area's physiographic, land use, climate, and socioeconomic conditions as well as water demands. Thus, it is important to be aware of a development's natural and manmade characteristics when projecting wastewater flows. Previous research of similar developments helps form the basis of any unit flow factor.

# ***The Exchange in Ontario, California***

---

As a general rule, wastewater flow equals 70 percent of water consumption although water consumption includes irrigation and other uses typical in municipal systems, which do not contribute to wastewater flows.

## **3.9.2.3 System Requirements**

Design and construction of sewer facilities within The Exchange will be completed under the jurisdiction of the CVWD as applicable. All public dedicated sewer lines will be located within public streets or dedicated easements. Construction materials will be those acceptable to the CVWD as applicable. CVWD design standards in affect at the time of submittal of individual projects will be used as applicable.

For the purpose of preparing this plan element, it was assumed that the sewer pipelines would generally be constructed 6 to 7 feet below finished grade elevations. The minimum pipe diameter considered was 8 inches. Pipe diameters of 8 inches and 10 inches are designed to flow at a maximum depth of 50 percent of the pipe diameter when carrying ultimate peak flows. Design capacities for pipes with a diameter of 12 inches and larger when carrying ultimate peak flows were equal to 75 percent of the pipe capacity.

There is currently no sewer in ~~Inland Empire Boulevard~~ Ontario Mills Parkway fronting the Specific Plan site to the south ~~of the project~~. ~~All s~~ Sewers in the northerly Freeway Commercial (FC) Planning Area must flow to the north into existing mains in 4<sup>th</sup> Street. The southerly 2/3's of this Specific Plan must-would need to be pumped to the main in 4<sup>th</sup> Street. Minimum acceptable slopes for gravity sewer are defined as those, which ensure a velocity of at least 2 feet per second when carrying ultimate peak flows. Manholes are spaced at 350 feet unless otherwise approved by the CVWD.

As with the proposed water distribution system, all new facilities will be constructed by the Center's developers. Where other properties benefit from the construction of improvements, it is anticipated that an appropriate cost sharing or reimbursement schedule would be approved by the CVWD as applicable.

Any plans for changes to the existing sewer lines in 4<sup>th</sup> Street, which would affect those properties, will be made only after consultations with the CVWD and with the owner (s) of the aforesaid properties. In no case will the present level of service be reduced.

Existing CVWD sewer in Ontario Mills Parkway is located approximately 2,550 feet west of The Exchange Specific Plan site. Connecting the southerly portion or Industrial Park (IP) area of the Specific Plan to this existing CVWD sewer would require approximately 2,550 feet of new sewer main extension, which would have to go under the existing Day Creek Storm Channel, which would render a gravity sewer infeasible and likely require pumping and a force main. A potential alternative sewer connection could be connect to City of Ontario sewer systems in Ontario Mills Parkway west of the I-15 Freeway if possible. This alternative will require further research and the agreement of CVWD and the City of Ontario.

## **3.9.3 Telephone**

Telephone service is provided by Verizon Telephone Company or a suitable alternative entity. Those telephone facilities located in dedicated streets shall follow the ultimate alignment of said streets, subject to the approval of the City Engineer. All lines shall be underground and located within dedicated public streets or in easements within private streets subject to the approval of the City Engineer. Areas designated as Open Space are not used for longitudinal utility locations unless they are underground. All utility crossings in open space areas are subject to the approvals of the City Engineer and Director of Public Services.

## **3.9.4 Electricity**

Electrical service is provided by the Southern California Edison Company or a suitable alternative entity. Those electrical facilities located in collector streets shall follow the ultimate alignment of said streets, subject to the approval of the City Engineer. All electrical lines are underground and placed in dedicated public streets, in dedicated easements within private streets subject to the approval of the City Engineer and the Southern California Edison Company.

## **3.9.5 Natural Gas**

Natural gas service is supplied by the Southern California Gas Company or a suitable alternative entity. All gas facilities shall be placed in dedicated public streets, in dedicated easements within private streets subject to the approval of the City Engineer and the Southern California Gas Company. All utility crossings are subject to the approvals of the City Engineer and Director of Public Services.

## **3.10 Grading**

### **3.10.1 General**

Grading shall occur on a planning area basis and follow existing drainage patterns to minimize disruption of tributary drainage areas. Cut and fill should be designed to be balanced as feasible on a project-wide basis. The general intent of the grading program is to provide suitable conditions for building construction across The Exchange site.

### **3.10.2 Grading Requirements**

3.10.2.1 Grading work shall be balanced on-site to the greatest extent possible.

3.10.2.2 In instances where a grading plan involves import or export, approval shall be from both the Approving Agent and the City of Ontario prior to obtaining a grading permit.

3.10.2.3 All grading plans shall include reference to specific techniques to be employed for dust control and prevent runoff and erosion during and after the grading process, time frames for grading activity and identification of specific areas to grade during the probability for rain.

# ***The Exchange in Ontario, California***

---

- 3.10.2.4 Following rough grading, the graded areas shall be treated with soil sealants if no construction activity is anticipated sooner than 90 days.
- 3.10.2.5 Ditches, or other swales, shall be lined with natural erosion control materials or earthen-colored slurry. Drainage conduits shall be buried where possible; no metal or plastic lines shall be permitted to remain exposed.
- 3.10.2.6 All berms and slopes shall be constructed at inclinations not to exceed 2:1 in shrub and groundcover areas or 3:1 in turf areas. Berms shall be graded in full, gentle, undulating, naturalistic forms: no straight or steep slopes or visible “hinge points”. Landscape themes incorporating sculptural boulders on berms is recommended. Provisions are to be made for drainage around or through berms, as required.
- 3.10.2.7 The site shall be graded to direct “Stormwater First Flush” drainage into landscaped areas, basins, underground infiltration chambers, or installed Dry Wells to the maximum extent practicable.

## **3.11 Maintenance**

### **3.11.1 Overview**

Maintenance responsibilities will be allocated to the City of Ontario, special districts, and to a series of maintenance associations formed for the explicit purpose of maintaining commonly owned facilities. The associations are composed of property owners within the Center. Covenants, conditions, and restrictions (CC&R's) shall be prepared to guarantee maintenance of these facilities.

### **3.11.2 Streets**

All streets accepted by the City shall be maintained by the City in accordance with established City policies. All collector and local streets shall be maintained by the City of Ontario subsequent to a one-year developer maintenance period. Maintenance of all private streets shall be the responsibility of the landowners within the Center and shall be regulated by Covenants, Conditions, and Restrictions (CC&R's). All maintenance shall be in accordance with City standards and policies in effect at the time of acceptance of improvements.

### **3.11.3 Landscape Maintenance**

An association comprised of property management / owners shall be formed to maintain all areas within the center.

### **3.11.4 Drainage Facilities**

#### **3.11.4.1 Interim Facilities**

The maintenance and liability for drainage improvements designated as interim facilities will remain the responsibility of the developer/landowner in all cases. If a facility is specifically accepted by the City of Ontario or another agency, the responsibility could be transferred.



# ***The Exchange in Ontario, California***

---

Temporary detention basins are required until the ultimate storm drain buildout to ~~Inland Empire Boulevard~~ Ontario Mills Parkway is completed as part of the industrial complex construction in the IP planning area. In the event that development occurs first in the FC planning area, temporary basins shall be sized to attenuate proposed hydraulic flows from the commercial site so as to not exceed existing flows. The temporary basins are not required until construction of Parcel 1 (buildings 'Major A, B & C') has commenced.

## **3.11.4.2 Permanent Improvements**

It is proposed that all drainage improvements constructed in public rights-of-way will be permanent facilities. The City of Ontario will accept those facilities for maintenance.

Where it is necessary to construct underground drainage facilities across private property from public rights-of-way, an easement for drainage and access may be dedicated to the City.

Drainage facilities on private property will be considered private drains in the absence of an easement dedicated to the City of Ontario. Maintenance of these drains would be the responsibility of the landowner or, of the association charged with the general up-keep of the landscaping and other common improvements.

Permanent storm drain facilities will be constructed with the IP planning area on the southern portion of the project. These storm drain facilities will eliminate the need for the temporary basins required in section 3.11.3.1. Once storm drain facilities to ~~Inland Empire Boulevard~~ Ontario Mills Parkway or an existing approved storm drain facility are constructed, the temporary basins may be eliminated. The Basins may be left as permanent facilities if testing shows an adequate percolation rate required to attenuate all FC planning area run-off.

As stated in section 3.3.2, paragraph D, 'first flush' storm water runoff will be directed into landscaped areas so as to prevent the discharge of contaminated storm water into the storm drain system. Routing of storm water into landscaped areas is a permanent site feature and maintenance of this system will be the responsibility of the developer.

## **3.11.5 Water and Sewer**

The Cucamonga ~~County Valley~~ Water District (CVCWD) will assume responsibility for the maintenance and monitoring of sewer and water facilities constructed with the public rights-of-way if they are the ultimate service provider if required by construction of this center.

## **3.11.6 Stormwater Runoff Retention Swales, Dry Wells and Treatment Devices**

Stormwater retention and treatment facilities shall be the responsibility of the landowner or of the association charged with the general up-keep of the development.

## **3.11.7 Miscellaneous**

The Southern California Gas Company maintains natural gas facilities. Southern California Edison maintains electrical facilities. The General Telephone Company maintains all telephone facilities.

## **3.12   Phasing**

### **3.12.1   Land Use**

Actual phasing of development is difficult to predict completely over the long term but, the anticipation is that the commercial center and industrial park will be built out as separate projects. A site plan review submittal is required for each project showing the extent of improvements for each phase within the projects.

Precise phasing within each planning area shall be reviewed and approved by the Development Advisory Board during site plan review. Modifications may be made to the phasing plan and may be approved by the Development Advisory Board when infrastructure facilities in the area are consistent with phasing plan changes.

## **4.0 FREEWAY COMMERCIAL (FC) PLANNING AREA**

### **4.1 General Development Standards**

4.1.1 The site design of each development within the Freeway Commercial (FC) planning area shall give careful consideration to the use of setbacks, building massing, building orientation, the distance between buildings and landscape as design tools to maintain shelter from the prevailing wind and to thoughtfully shape views both to and from the site.

4.1.2 All structures shall be designed in three-dimensions and all facades and the roofscapes shall receive equal consideration.

4.1.3 Site designs, submitted for development review, shall contain clear and direct indications, on the plans as to how these criteria have been satisfied.

#### **4.1.4 Minimum Lot Size**

There is no minimum lot size, however all lots must be large enough to meet the total space requirements of their ultimate users. Sufficient space must be provided to accommodate the principal and accessory structures, parking, landscaping provisions, and setback areas.

#### **4.1.5 Setbacks**

Refer to Section 4.3.

#### **4.1.6 Maximum Building Height**

Forty feet (40') except that towers and other architectural features may be increased by fifteen feet (15') to a maximum of fifty-five feet (55'). The City of Ontario has adopted an ordinance setting forth specific regulations for buildings 45 feet in height or greater. These regulations shall also apply within **The Exchange**. Both the City and Federal Aviation Administration, pursuant to the existing Airport hazard Map (Figure V-2) may grant height exceptions. Building height shall be measured from the finished pad elevation.

#### **4.1.7 Maximum Building Coverage**

Maximum Building Coverage in the Freeway Commercial District is .50 FAR, as averaged over the net area of the planning area. Maximum coverage calculation includes all main and accessory structures and excludes public and private streets. This coverage may be increased to a maximum of 1.00 FAR percent by the Planning Commission at Site Plan Review when the finding can be made that increased coverage will result in a superior building design, enhancing the character of the overall urban environment.

## **4.1.8 Utilities and Exterior Equipment**

- 4.1.8.1 All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communication wires and related equipment shall be installed and maintained underground.
- 4.1.8.2 Roof mounted mechanical equipment shall be hidden from view by building parapets or decorative elements of equal height.
- 4.1.8.3 Electric transformers, utility pads, cable TV and telephone boxes shall be located out of public rights-of-way and underground or screened with walls, fences or vegetation or otherwise enclosed in a manner harmonious with the overall architectural theme.

## **4.2 Permitted Uses**

Freeway Commercial (FC) uses include lower intensity commercial and retail uses placed in a park-like setting with a strong, freeway oriented signage and architectural program. Freeway Commercial uses, totaling approximately 12 acres, are located at the northerly portion of the Center, south of Fourth Street to maximize aesthetics, employment and transportation benefits.

The following are Permitted Uses within the Freeway Commercial (FC) Planning Area:

1. Automotive Rental Agencies
2. Building Supplies and Sales
3. Business Supply Services
4. Business Support Services
5. Durable Goods Sales, Retail
6. Package Food & Beverage Sales
7. Restaurants (Sit Down/ Full Service)
8. Restaurants (Sit Down with No Alcohol Sales)
9. Infrastructure facilities, including but not limited to public and private roadways, pedestrian walkways, utilities and related uses, as approved by the City Engineer and subject to the City standards and policies in effect at the time of submittal of offsite improvement plans.
10. Accessory structures and uses necessary and customarily incidental to permitted uses.
11. Other uses as approved by the Planning Commission, which comply with the goals and intent of the Specific Plan.

The following uses require a Conditional Use Permit:

1. Administrative/ Professional/ General Business Offices
2. Alcohol Beverage Sales
3. Car Wash
4. Churches/ Houses of Worship
5. Communication Facilities (Subject to the provisions of Section [9-1.32895.03.420](#) of the Ontario Development Code, [effective 1/1/2016](#))

6. Conference/ Convention Facilities
7. Convenience Sales and Services
8. Durable Goods Sales, Wholesale
9. Entertainment
10. Fast Food/ Drive-Thru Restaurants
11. Gas Stations
12. Health Clubs & Spas
13. Hotels, Motels and Residential Inns
14. Medical/ Health Care Services
15. Parking lots, structures and facilities providing parking for permitted uses.
16. Personal Services
17. Public Storage Facilities
18. Repair Services
19. Restaurants with Bar/ Cocktail Lounge
20. Retail Sales of Goods Produced On-Site
21. Vocational & Trade Schools

Prohibited Uses:

Uses other than those specifically listed above shall be prohibited, unless it is determined by the Planning Commission that the use is similar to and no greater intensity than the permitted uses listed herein.

## **4.3 Setbacks and Distances Between Buildings**

### **4.3.1 Setbacks from Property Lines**

Table 4.3-A governs setbacks from property lines adjacent to streets for structures within **The Exchange** as well as parking setbacks from property lines adjacent to streets.

### **4.3.2 Building Separations with Plazas**

- 4.3.2.1 For buildings within plazas, the minimum distance between buildings shall be 30 feet. This standard shall apply only in instances where adjacent buildings are at an oblique angle and non-parallel. In all other instances, building separations shall be calculated by dividing the sum of the height of the two adjacent buildings by two (2), except that the distance between a building of two stories or less and any other building may be one-half the height of the taller building. However, in no case may the distance be less than ten (10) feet.

## ***The Exchange in Ontario, California***

---

### **4.3.2.2 Building Separations not in Plazas**

Buildings not in a plaza setting, which are not contiguous, and which are on the same or different lots shall be subject to the following setback requirements:

- (A) For buildings up to fifty (50) feet high, there shall be a separation of fifty (50) feet.
- (B) For buildings between fifty (50) and one hundred (100) feet high, there shall be 100 feet separation.
- (C) For buildings higher than 100 feet, there shall be a minimum of 100 feet building separation, plus one (1) foot of separation for each one (1) foot of height above 100 feet.

**TABLE 4.3-A  
SETBACKS for FREEWAY COMMERCIAL (FC)**

<b>Minimum Building Setbacks Along:</b>	
Fourth Street	30'
Interstate 15 Right-of-Way	20'
Industrial Park (IP) Planning Area	0'
Southern California Edison Right-of-Way	0'
<b>Minimum Parking Setbacks Along:</b>	
Fourth Street	25'
Interstate 15	5' Min/ 15' Avg
Industrial Park (IP) Planning Area	5'
Southern California Edison Right-of-Way	5'

#### Notes Applicable to Table 4.3-A

- A. All setbacks measured from the property line.
- B. Setbacks include front, side, and rear setbacks from streets.

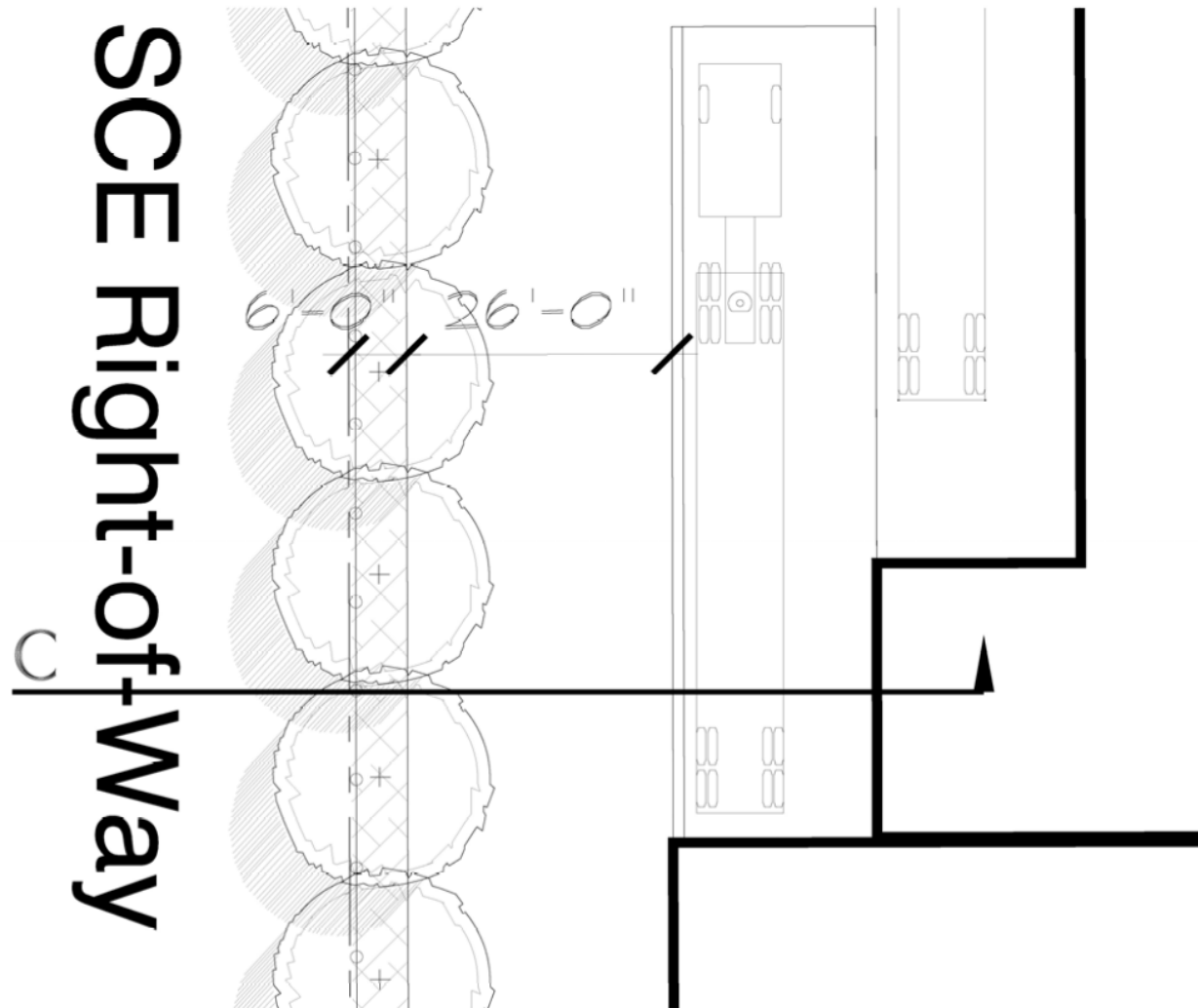
- C. The full depth of all parking and building setbacks shall be landscaped, excluding areas for pedestrian walkways and vehicular drives unless a special parking lot design is approved which maintains the equivalent total amount of landscaped area between the property line and the parking lot.
- D. Greater setbacks than required herein may be required to meet the objectives of the plan.
- E. The Planning Commission may grant reductions to these standards when the findings can be made that (1) adequate landscaped open space will be provided elsewhere within the project, (2) reduced setbacks will result in a superior building design enhancing the character of the urban environment.
- F. Sidewalks and public transit facilities (i.e., bus shelters) may encroach into required setback areas, but shall be required to be located within easements
- G. The requirement for five feet (5') minimum/ fifteen feet (15') average of landscape setback adjacent to the freeway may be reduced by one foot for each foot of landscaping constructed within Caltrans right-of-way, and provided, further, that the freeway right-of-way be landscaped as approved by Caltrans.

#### **4.4 Loading & Storage Areas**

- 4.4.1 Provisions shall be made, on-site, for all necessary vehicle loading.
- 4.4.2 Loading docks or staging areas shall be located in the rear or side-yard of buildings, recessed and/or screened so as not to be visible from neighboring properties or public rights-of-way. In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
- 4.4.3 No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored upon any site except inside a closed building or behind a screen so not to be visible off-site.
- 4.4.4 Earth berms, landscape materials, fencing or walls and appropriate combinations thereof, shall be used for screening purposes. Chain link may be used to screen service or truck loading areas not in public view, however, where employed, the metal fabric must be substantially obscured by vines or other plant materials.
- 4.4.5 Outdoor storage areas shall be screened with masonry walls, vine covered wire mesh (not chain link) fencing or a combination of landscaping and walls and/or fencing not less than 8 feet in height. No materials shall be stored higher than 8 feet.

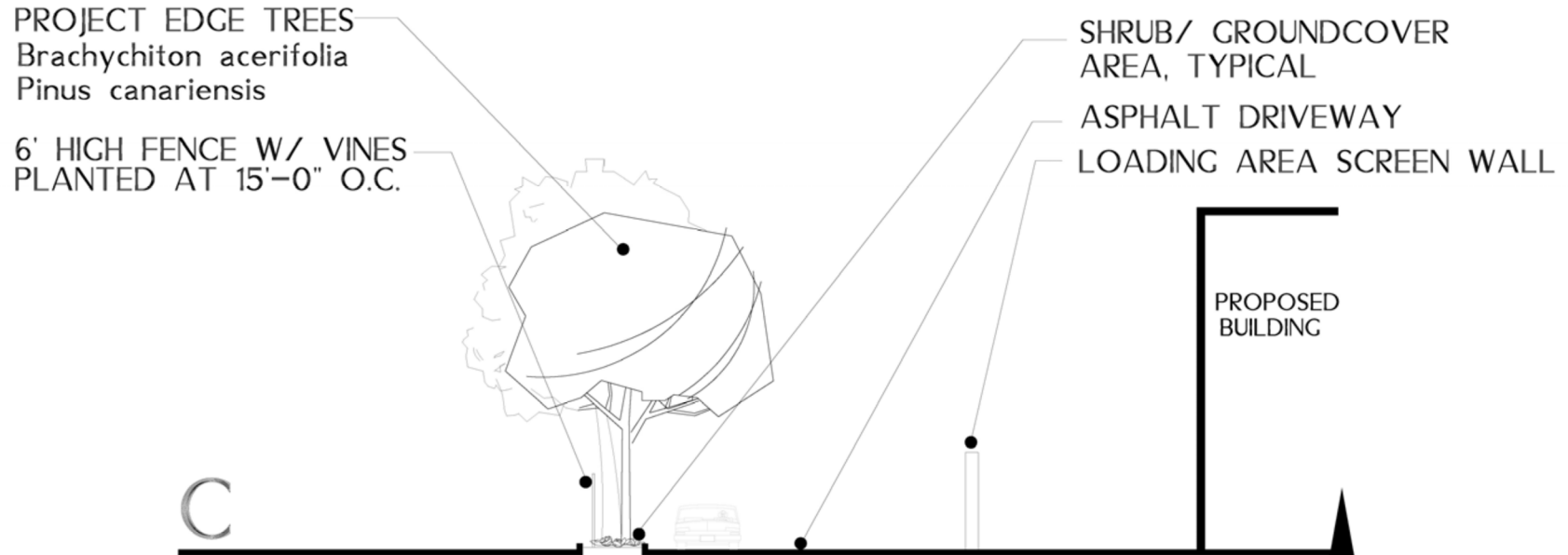
Schematic design and sections are shown on Exhibit 4.4-A and 4.4-B.

EXHIBIT 4.4-A  
LOADING AND STORAGE CONCEPT





## **EXHIBIT 4.4-B LOADING AND STORAGE SECTION**



# ***The Exchange in Ontario, California***

---

## **4.5 Refuse Collection Areas**

- 4.5.1 No refuse collection areas shall be permitted between a street and the front of a building.
- 4.5.2 Refuse collection areas shall be so designed as to contain all refuse generated on-site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.
- 4.5.3 Screen walls and enclosures should be visually connected to the primary building structure or designed to be harmonious in style, material, finish and color with the overall architectural theme.
- 4.5.4 All trash enclosures associated with restaurant and/ or food uses shall be roofed in order to minimize rain infiltration and runoff.

## **4.6 Architectural Design Guidelines**

### **4.6.1 Intent**

This specific plan is not intended to define a specific “style” for building design within the FC District. However, with approximately 700,000 cars per day passing the site at freeway speeds, the proximity and relationship to Interstate 15 on the west should be considered as the primary design influence. The design theme of the FC planning area within **The Exchange** shall be one, which creates a harmonious building style, form, size, color and material palette, and roof line as it relates to surrounding planned or existing development. Subtle variations are encouraged which provide visual interest but do not create abrupt changes causing discord in the overall design of the immediate area. It is not intended that one style of architecture be dominant, but that individual structures create and enhance a high quality and harmonious community experience. All projects shall comply with Commercial Design Guidelines of [Article 16Section 6.01.015.F](#) of the [Ontario](#) Development Code [\(effective 1/1/2016\) as directed by the City](#).

General design criteria to be considered within the development shall include the following:

- (A) The freeway elevation of the major buildings should receive treatment designed to attract attention and convey the character and uses of the development to freeway commuters traveling at high speeds in a simple, yet dynamic way. Bold color, enhanced building materials, simple massing, and dynamic building forms and details are the primary means for accomplishing this attraction.
- (B) Pad buildings and buildings oriented towards Fourth Street should receive a more intimate level of detail designed to enhance the character of the development to customers traveling at normal surface street speeds. Special consideration should be given that all north-bound freeway traffic exiting at Fourth Street will observe the development and the Fourth Street frontage from the off-ramp at a signalized intersection directly opposite the development entry. Colors, textures and materials shall be coordinated to achieve compatibility of design, blend well with the surrounding environment and not cause abrupt changes.

(C) Design elements to be considered are:

1. Provide offsets or bays
2. Provide strong base material or approximately thirty percent (30%) use of alternative and enhanced building materials on primary elevations.
3. Create unique and identifiable entry and storefront treatment.
4. Provide architectural treatment to all elevations (360 degree architecture).
5. Design rear elevations to be visually attractive by providing articulation to the building plane and vertical variation of the roof line.
6. Avoid expanses of blank wall that are devoid of any articulation or embellishment.
7. Integrate screening for roof-mounted equipment into the building design (i.e. extend parapet walls) rather than having a “tacked-on” appearance.

(D) A uniform sign program for the development shall be developed to create a coordinated project theme of uniform design elements such as color, lettering style and placement. The sign program shall specify a consistent sign type and avoid mixing different sign types, such as canister signs with channelized letters; use a consistent size (i.e. maximum height and length) which is proportionate to the building; limit sign length to no more than seventy percent (70%) of the leased space width; major anchor tenants may have variation in sign letter style, color and size (i.e. height, area and length). Signage oriented towards Fourth Street or towards the interior of the development should be scaled to a slower moving, closer proximity observer. Refer to Section 3.4.6.

(E) Freeway monument or pylon sign(s) shall be addressed through the review of the Uniform Sign Program and shall comply with the sign standards Article 31 Chapter 8.0, Section 9-1.3155, including Table 31-78.01-1.A (All Zoning Districts) and 8.01-1.C (Commercial Zoning Districts) of the Ontario Development Code (effective 1/1/2016).

## **4.6.2 Implementation**

4.6.2.1 A Development/ Site Plan Review per the submittal guidelines of the City of Ontario is required for all site plans within the Freeway Commercial Planning Area. Refer to current submittal requirements and fees published by the City. Exhibit 4.8-A depicts one potential concept as described herein.

4.6.2.2 All projects and site plans within the development shall be compatible with regard to architectural theme.

Exhibits 4.6-A , 4.6-B and 4.6-C depict one potential concept as described herein.

**EXHIBIT 4.6-B  
CONCEPTUAL FREEWAY COMMERCIAL (FC) ARCHITECTURAL ELEVATIONS & SIGNAGE**

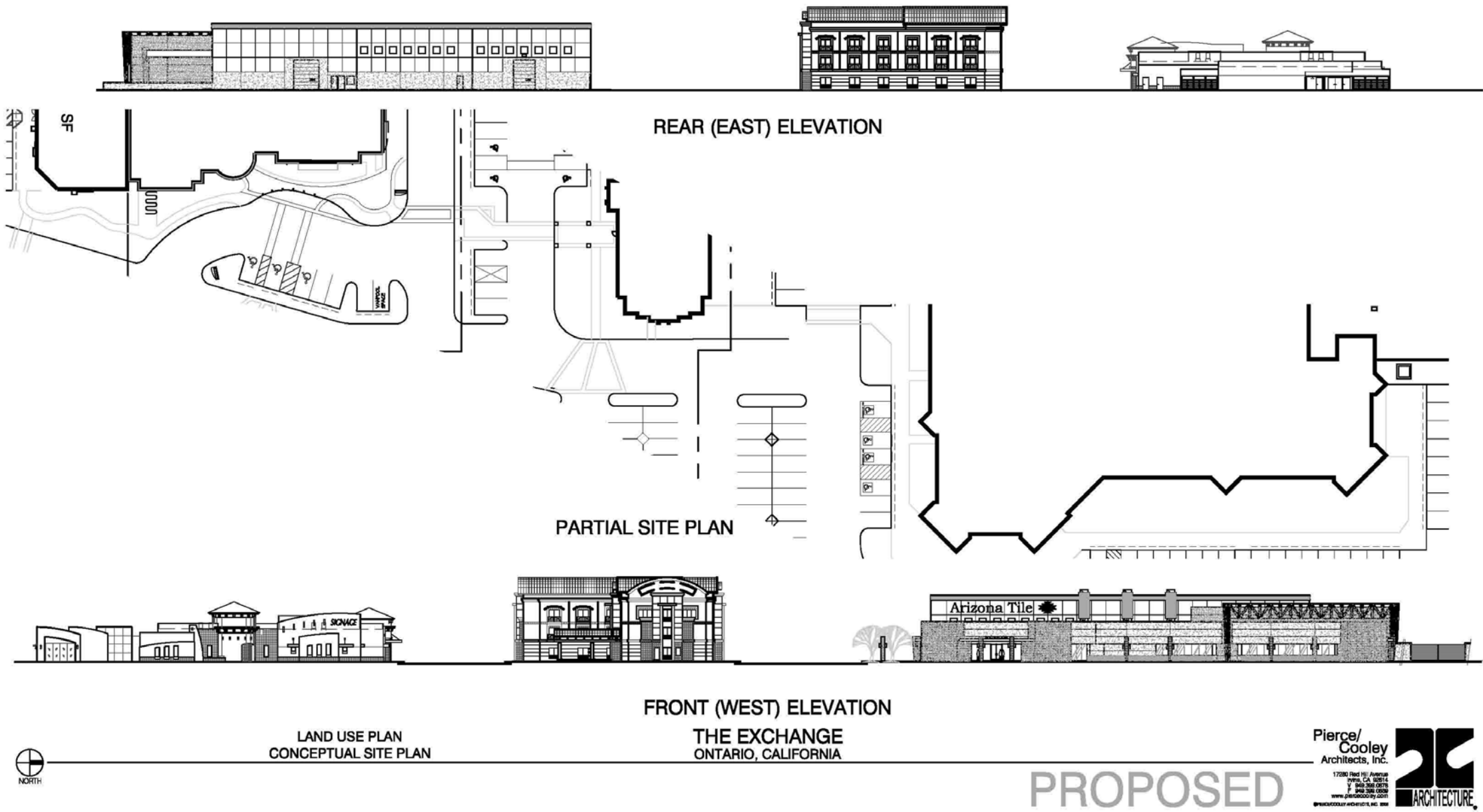
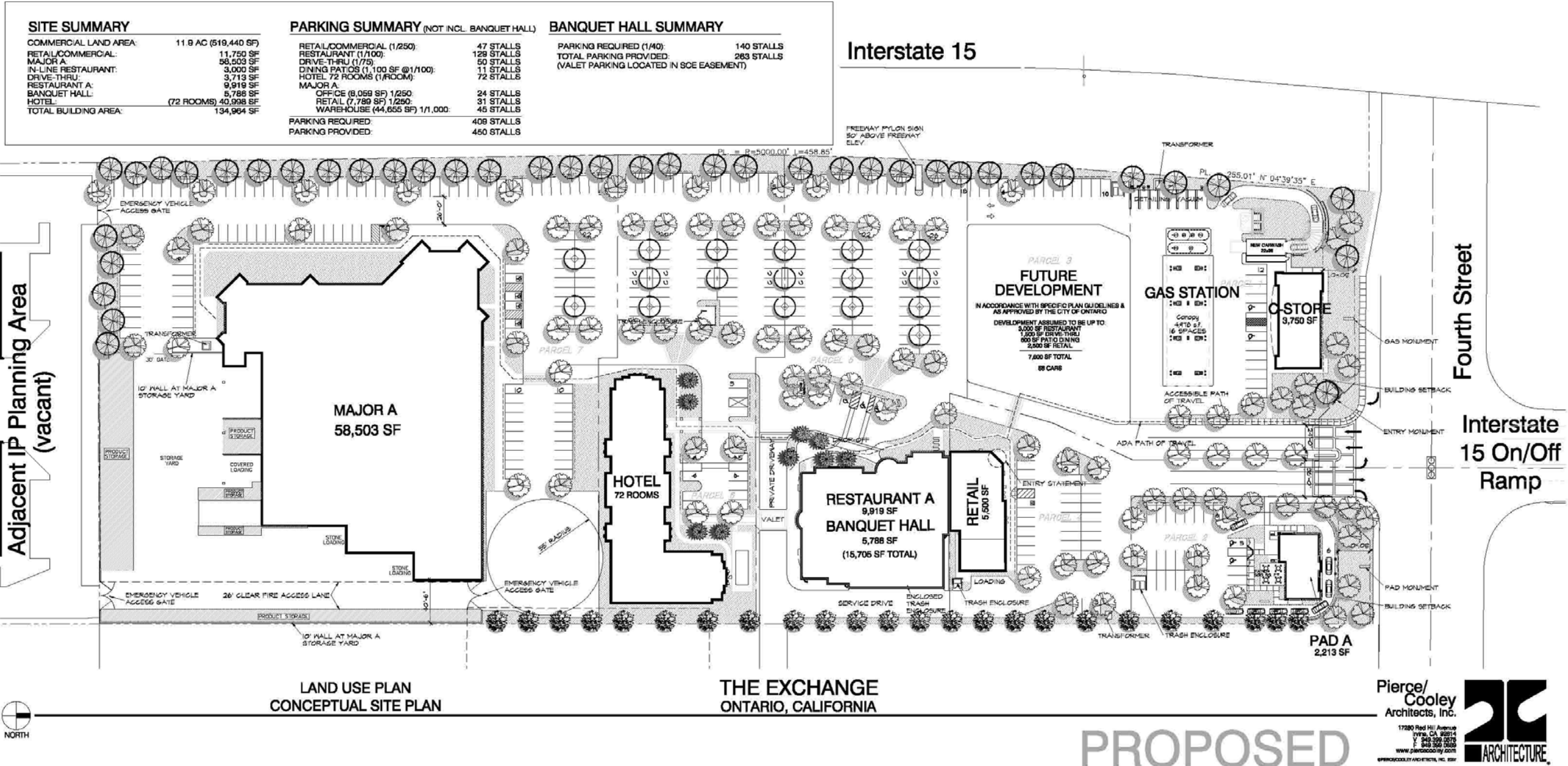
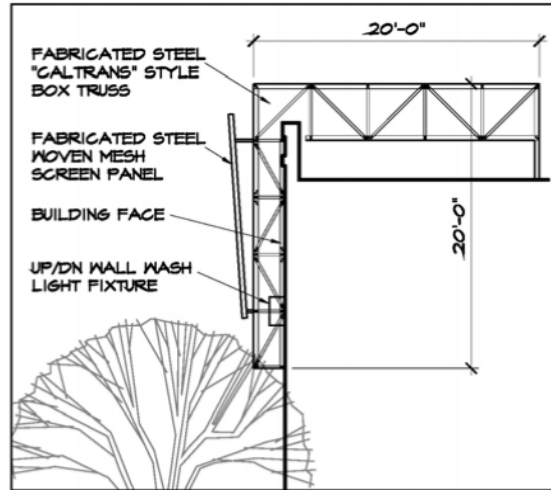


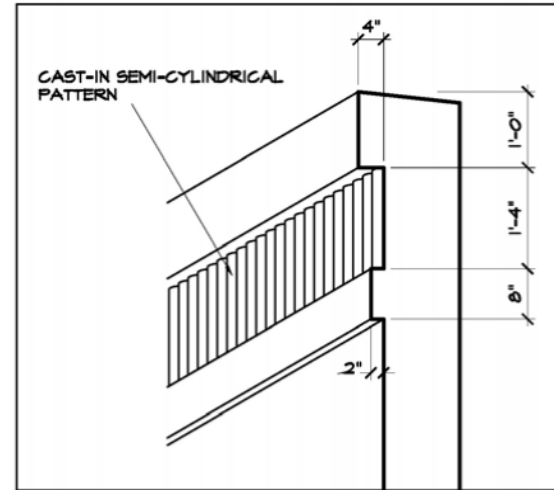
EXHIBIT 4.6-A  
CONCEPTUAL FREEWAY COMMERCIAL (FC) SITE & LANDSCAPE/ HARDSCAPE PLAN



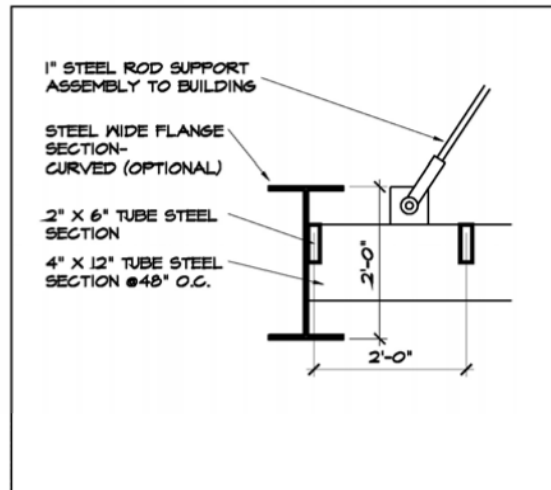
## EXHIBIT 4.6-C FREEWAY COMMERCIAL (FC) ARCHITECTURAL DETAILS



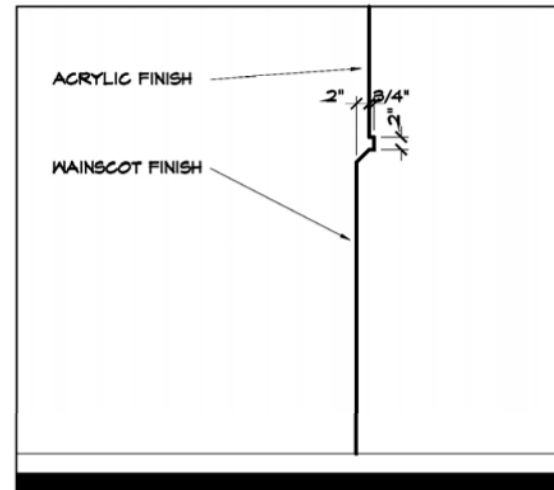
**(A) BOX TRUSS**



**(B) PARAPET DETAIL**



**(C) METAL CANOPY**



**(D) WAINSCOT**

## **4.7     Landscaping and Streetscape/ Entire Project Shall Comply With City of Ontario Landscape Standards**

### 4.7.1     4<sup>th</sup> Street Improvements

### 4.7.2     Interstate 15 Freeway Edge Treatment

4.7.2.1     Along Interstate 15, landscape material has been chosen to screen adjacent service areas while maintaining the view to the freeway signage element.

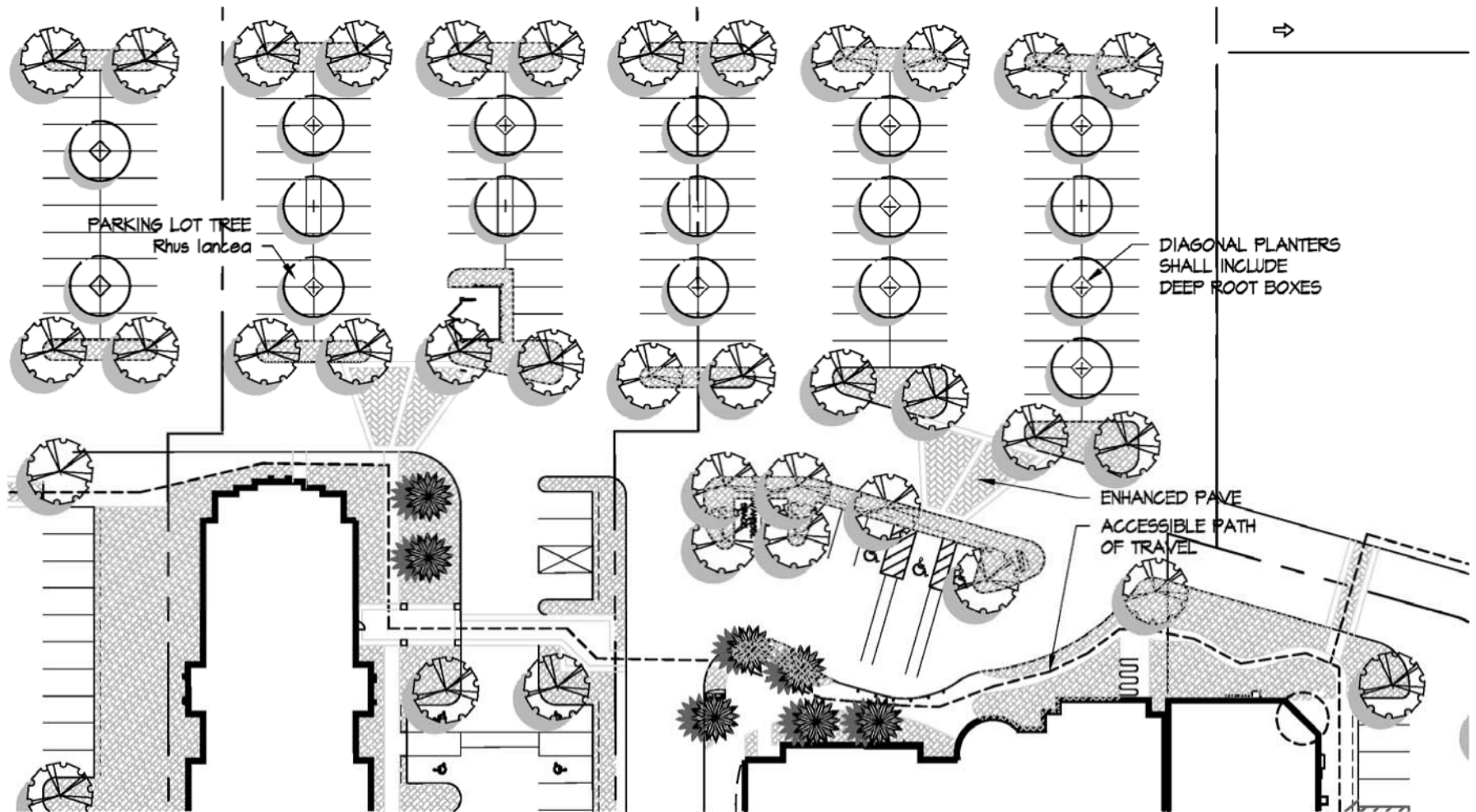
4.7.2.2     The requirement for five feet (5') minimum/ fifteen feet (15') average of landscape setback adjacent to the freeway may be reduced by one foot for each foot of landscaping constructed within Caltrans right-of-way, and provided, further, that the freeway right-of-way be landscaped as approved by Caltrans.

### 4.7.3     Project Entry and Intersection Treatments

4.7.3.1     Exhibit 4.8-A shows the location of the primary project entries and secondary site entries. Schematic designs and dimensional criteria for these special treatments are shown on Exhibits 4.7.A and 4.7-B.

# The Exchange in Ontario, California

EXHIBIT 4.7-A  
BUILDING ENTRY LANDSCAPE/HARDSCAPE CONCEPT

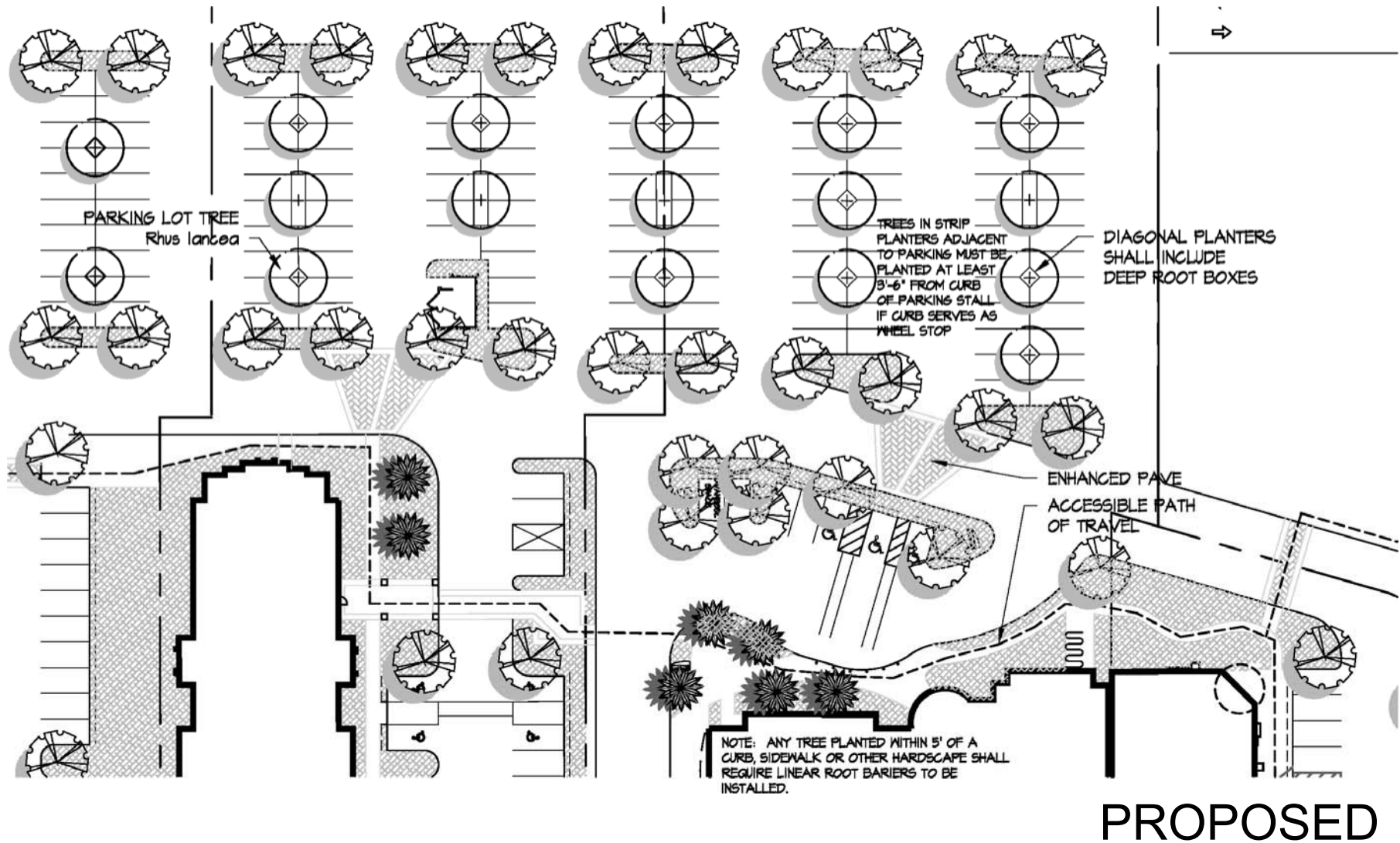


PROPOSED



# The Exchange in Ontario, California

## EXHIBIT 4.7-B PARKING LOT PLANTING CONCEPT



## ***The Exchange in Ontario, California***

---

### 4.7.4 General Landscape and Planting Requirements/ Entire Project Shall Comply With City of Ontario Landscape Standards

#### 4.7.4.1 The following general standards shall guide the selection and installation of landscape improvements:

- (A) All street trees shall be planted and staked per City of Ontario Standards. All trees planted in turf areas shall receive tree boots.
- (B) All plant material shall be planted in the following minimum sizes:
  - (1) Trees - 24-inch Box (Fast growing trees to be no less than fifteen 15 gallon.
  - (2) Shrubs - Five (5) gallon. Exceptions may be granted by the Community Services Agency.
  - (3) Primary tree species shall be a minimum of 36-inch box.
- (C) Tree planting ratios for major streets shall be:
  - (1) Primary tree species: 40 percent
  - (2) Secondary tree species: 60 percent
- (D) Planting ratios for major street medians and parkway shall be:
  - (1) Turf: 35 percent
  - (2) Ground cover and shrubs: 50 percent

In addition, 15 percent of the median area shall be devoted to cobble treatment.

- (E) All City-owned well sites shall be screened by a solid masonry wall and extensive landscaping security shrubs, as approved by the Community Services Agency.
- (F) The City of Ontario Community Services Agency shall designate street trees for all public local streets within **The Exchange**, as part of the City of Ontario Master Plan of Street Trees. Staking and guying of trees shall be in accord with City standards.
- (G) Individual developments, open space and any wall adjoining public areas shall be designated to use security shrubs, as appropriate, as an anti-graffiti measure.
- (H) Replacement of dead or broken plant material shall be the responsibility of the applicable property owner association or property owner as appropriate.
- (I) All landscaped areas within the boundary of **The Exchange** Specific Plan shall be maintained to the standards established by **The Exchange** Owners Association.

- (J) All landscape and irrigation plans shall be submitted to and approved by the Public Facilities Department of the City of Ontario.
- (K) Changes in the landscape and irrigation plans may be made by the Public Facilities Department. Equivalent plant materials may be substituted as necessary, as determined by the Public Facilities Department.

## 4.7.5 Planting Palette

Section 4.8 depicts those species of trees which comprise the planting palette of **The Exchange**. The palette is intended as a guide for plant selection. Other species may be approved by the City of Ontario Public Facilities Department. Trees along the pedestrian pathway are intended to provide shading of the pathway.

## **4.8 Landscape Design Guidelines/ Entire Project Shall Comply With City of Ontario Landscape Standards**

### 4.8.1 Introduction

- 4.8.1.1 Design Guidelines for the Exchange are intended to define and emphasize the uniqueness of the project areas. Fourth Street is an important business corridors of the City; they carry a significant amount of through-travel, and they will provide an important focus for the City of Ontario.
- 4.8.1.2 In general, it is intended that **The Exchange's** landscaping and site design be organized and informal in nature, complementing its structured, urban character. Site design and landscape development should promote a strong identity and "sense of place" within the Specific Plan area. The Plan must respond to the multiple purposes of the Retail Center; general business park, hotel and retail commercial center. The emphasis for design treatments should advance these objectives through forms and materials in streetscapes, project perimeter, and on-site project areas. Combined, these elements can allow **The Exchange** to be distinctively different from its surroundings, and provide a sense of identity to this project.

### 4.8.2 Landscape Concept Plan

- 4.8.2.1 The Landscape Concept Plan (Exhibit 4.6-A) is an integral element in achieving a distinctive development character for the project area. This character is reinforced through the coordinated design and selection of landscape and paving materials, and emphasis on special features. Required guidelines are specified for the following categories:
  - a. Streetscape
  - b. Project Entries
  - c. Project Edges
  - d. Internal Roadways
  - e. On-Site Landscaping
  - f. Hardscape Design Elements

4.8.2.2 The Landscape Concept Plan (Exhibit 4.6-A) contained herein establishes a framework for consistency of design between the ultimate development pattern and phased increments. As phases are implemented, landscape plans that are consistent with these concepts and which implement them shall be approved. **The Exchange** maintains the final approval of all landscape improvements and maintenance guidelines. The above categories are described in the following pages.

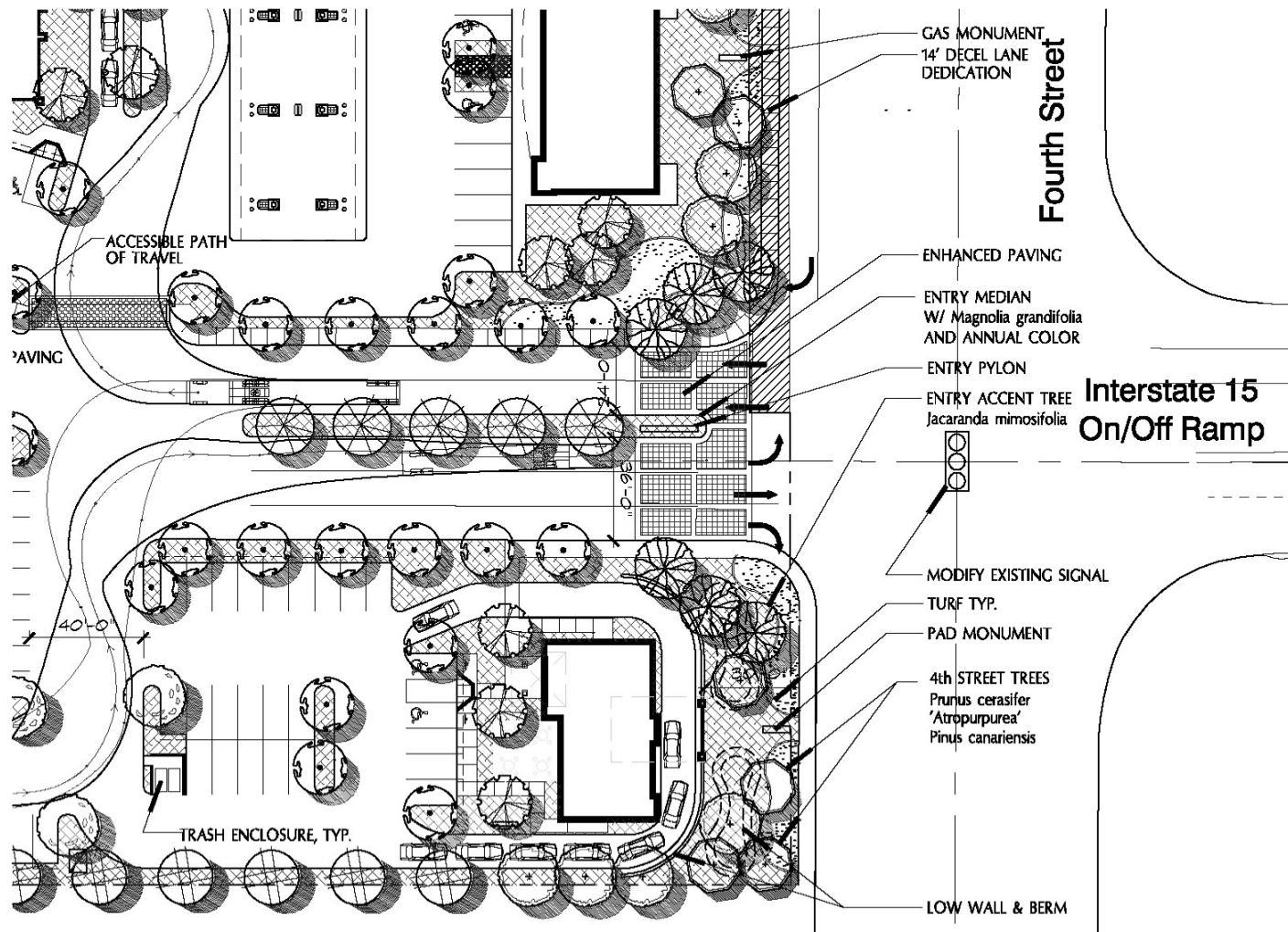
### 4.8.3 Streetscape

#### 4.8.3.1 Landscape Edge Adjacent to Surrounding Arterial Corridors

In order to create a unifying element surrounding the project area, a landscape edge will be maintained adjacent to Fourth Street. It will include informal shrub masses with groundcover and informal dense tree on parkway, which is bermed 2' at maximum height. Minimum widths of 5 feet between curb and meandering sidewalk shall be maintained except where the walk meets the curb. Concrete mow strips shall separate the turf and shrub/groundcover planting areas (Exhibits 4.6-A and 4.8-A).

# The Exchange in Ontario, California

EXHIBIT 4.8-A  
FOURTH STREET EDGE & ENTRY DESIGN CONCEPT



## ***The Exchange in Ontario, California***

---

### 4.8.3.2 Recommended plant materials for streetscape are as follows;

- Trees (24" box min.): Koelreuteria bipinnata (Chinese Flame Tree)  
Liriodendron tulipifera (Tulip Tree)  
Magnolia grandiflora 'Samuel Summer' (Southern Magnolia)  
Pinus canariensis (Canary Island Pine)  
Pistacia chinensis (Chinese Pistache)  
Platanus acerifolia (London Plane Tree)  
Podocarpus gracilior (Fern Pine)
- Shrubs (5 gal. min.): Abelia grandiflora (Glossy Abelia)  
Hemerocallis hybrids (Daylily)  
Raphiolepis indica (India Hawthorn)  
Bougainvillea spp. (Bougainvillea)
- Groundcovers: Cerastium tomentosum (Snow in Summer)  
Fragaria chiloensis (Sand Strawberry)  
Lantana montevidensis (Dwarf Lantana)  
Oenothera berlandieri (Mexican Evening Primrose)  
Myoporum parvifolium 'Putah Creek'  
Trachelospermum jasminoides (Star Jasmine)  
Verbena peruviana (Verbena)  
Viburnum tinus (Laurustinus)

### 4.8.4 Project Entries

4.8.4.1 Secondary corner quadrants at the entry drive to **The Exchange** shall be special accent, which announce the arrival to the space and the theme of the Center. Flowering canopy trees along with larger scale background trees will be utilized at specific project entries to highlight and provide an entry gateway at project sites (Exhibit 4.8-A).

### 4.8.4.2 Recommended plant materials are as follows:

- Trees (24" box min.): Cassia leptophylla (Golden Medallion Tree)  
Cinnamomum Camphora (Camphor Tree)  
Jacaranda mimosifolia (Jacaranda)  
Lagerstroemia indica (Crape Myrtle)  
Phoenix Canariensis (Canary Island Date Palm)  
Phoenix Dactylifera (Date Palm)  
Pinus spp.  
Pistacia chinensis (Chinese Pistache)

## ***The Exchange in Ontario, California***

---

Schinus molle (California Pepper)  
Washingtonia filifera (California Fan Palm)

- Shrubs (5 gal min.): Baccharis pilularis (Dwarf Coyote Bush)  
Ceanothus (Wild Lilac)  
Cistus spp. (Rockrose)  
Dietes Bicolor  
Abelia grandiflora (Glossy Abelia)  
Hemerocallis hybrids (Daylily)  
Ligustrum japonicum 'Texanum' (Privet)  
Phormium tenax (New Zealand Flax)  
Raphiolepis indica (India Hawthorn)
- Groundcovers: Cerastium tomentosum (Snow in Summer)  
Frageria chiloensis (Sand Strawberry)  
Hedera helix (English Ivy)  
Hypericum calycinum (Creeping St. Johnswort)  
Lonicera japonica (Japanese Honeysuckle)  
Oenothera berlandieri (Mexican Evening Primrose)  
Lantana montevidensis (Dwarf Lantana)  
Myoporum parvifolium 'Putah Creek'  
Trachelospermum jasminoides (Star Jasmine)  
Verbena peruviana (Verbena)  
Viburnum tinus (Laurustinus)
- Vines (5 gal min.): Clytostoma callistegioides (Violet Trumpet Vine)  
Gelsemium sempervirens (Carolina Jessamine)  
Ficus pumila (Creeping Fig)

### **4.8.4.3 Special Paving**

Specially enhanced paving shall be utilized at specific project entries, but shall not be a part of the public right-of-way. The special paving will highlight the entry by providing a visual and textural contrast to the surrounding paving materials.

Recommended materials: Textured and colored concrete

## ***The Exchange in Ontario, California***

---

### 4.8.5 Project Edges

4.8.5.1 The objective of landscaping of this edge is to visually screen undesirable views and to create a sense of enclosure. The edge buffer shall consist of a dense, formal planting of trees in a minimum of five (5) foot landscape strip (Exhibit 4.8-A). This consistently landscaped edge will identify the boundaries of the Ontario Center and will provide buffer from the adjacent land-use activities. Permanent groundcover will be established under the trees.

4.8.5.2 Recommended plant materials for typical edge buffers are as follows:

Trees (24" box min.): Brachychiton acerifolia (Flame Tree)  
Pinus canariensis (Canary Island Pine)  
Tristania conferta (Brisbane Box)

Shrubs (5 gal. min.): Abelia grandiflora (Glossy Abelia)  
Hemerocallis hybrids (Daylily)  
Raphiolepis indica (India Hawthorn)  
Liriope muscari (Big Blue Lily Turf)

Groundcover: Lantana montevidensis (Dwarf Lantana)  
Lonicera japonica 'Halliana' (Hall's Honeysuckle)  
Viburnum tinus (Laurustinus)

Vines (5 gal. min.) Clytostoma callistegioides (Violet Trumpet Vine)  
Gelsemium sempervirens (Carolina Jessamine)  
Ficus pumila (Creeping Fig)

### 4.8.6 Internal Roadways

4.8.6.1 To provide a unifying element within the project boundaries, the following streetscape guidelines shall be implemented. Major circulation roadways in the Ontario Center shall be landscaped in a formal urban arrangement. These roadways shall be laced with consistent tree species to identify roadways as the primary circulation feature, to create interest and give strong sense of direction.

All roadways shall maintain a minimum of 5-foot landscape strip between the curb and parking or building edge. These strips of areas shall be planted with formal shrub rows along the parking lot edges.



## ***The Exchange in Ontario, California***

---

### 4.8.6.2 Recommended plant materials are as follows:

- Trees (24" box min.): Brachychiton acerifolia (Flame Tree)  
Tristania conferta (Brisbane Box)  
Washingtonia filifera (California Fan Palm)
- Shrubs (5 gal. min.): Calliandra hematocephala (Pink Powder Puff)  
Ceratostigma abyssinicum (Plumbago)  
Pennisetum setaceum 'Cupressus' (Fountain Grass)  
Dodonaea viscosa (Hopseed Bush)  
Dietes vegeta (Fortnight Lily)  
Ilex vomitoria (Yaupon)  
Raphiolepis indica (India Hawthorn)  
Strelitzia nicolai (Giant Bird of Paradise)  
Viburnum tinus (Laurustinus)
- Groundcovers: Fragaria chiloensis (Sand Strawberry)  
Rosmarinus officinalis 'Prostratus' (Dwarf Rosemary)  
Trachelospermum jasminoides (Star Jasmine)  
Verbena peruviana (Verbena)

### 4.8.7 On-Site Landscaping

- 4.8.7.1 In addition to the selections previously specified, the following trees, shrubs, groundcovers and turf shall be incorporated into the site where appropriate (Exhibit 4.6-A). Alternative choices are subject to Site Plan approval. Developers shall have the option to incorporate materials other than what are listed below; however this will be subject to the approval of the City of Ontario.

#### g. Building Entrances

Entrances to the building will be accented with enhanced concrete paving as well as densely planted shrubs, annual and perennial colors and accent trees in larger sizes (36"-48" box), while maintaining visibility to users (Exhibit 4.7-A).

### 4.8.8 Parking Lots

- 4.8.8.1 All open parking area and their adjacent vehicular access ways shall incorporate landscaping, which may be comprised of trees, shrubs and groundcovers. Landscaping shall include at least one (1) 24" Box shade tree per 10 parking stalls in open parking area and vehicular access way. Planting areas shall be a minimum of 5'x5' diamond shaped (Exhibit 4.7-B).

### 4.8.8.2 Recommended parking lot trees are as follows:

Cassia leptophylla (Golden Medallion Tree)  
Cupaniopsis anacardioides (Carrot Wood)  
Koelreuteria bipinnata (Chinese Flame Tree)  
Podocarpus gracilior (Fern Pine)  
Rhus lancea (African Sumac)  
Tipuana tipu (Tipu Tree)  
Tristania conferta (Brisbane Box)

### 4.8.8.3 Landscape Planter Installation

Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb.

### 4.8.9 Tree Planting

Trees shall be planted to enhance the identity of architecture and sense of place, at the same time accenting the entrance to the building, complementing the perimeter, and providing shading in parking lots. They shall be planted at a minimum of 24" Box container size.

Brachychiton acerifolia (Flame Tree)  
Cinnamomum camphora (Camphor Tree)  
Jacaranda mimosifolia (Jacaranda)  
Koelreuteria bipinnata (Chinese Flame Tree)  
Magnolia grandiflora (Southern Magnolia)  
Pinus canariensis (Canary Island Pine)  
Pistacia chinensis (Chinese Pistache)  
Podocarpus gracilior (Fern Pine)  
Tristania conferta (Brisbane Box)  
Washingtonia filifera (California Fan Palm) Skinned 25' to 30' b.t.h.

### 4.8.10 Shrub Planting

Shrubs shall be used for screening of parking areas and for special effects at building entrances, building perimeter and parking lot islands and planting strips. Shrubs of similar species shall be used in large masses to avoid spotty and disconnected ground plane. They shall be planted at minimum rate of one per 16 square-feet, and shrub planting shall be minimum 5 gallon size materials. Vines may be used in place of tall hedge to screen trash enclosure and utility equipment. They shall be of minimum 5 gallon container.

Abelia grandiflora (Glossy Abelia)  
Baccharis pilularis (Dwarf Coyote Bush)  
Bougainvillea spp. (Bougainvillea)  
Calliandra hematocephala (Pink Powder Puff)  
Dietes vegeta (Fortnight Lily)  
Dodonaea viscosa (Hopseed Bush)  
Hemerocallis hybrids (Daylily)  
Ilex vomitoria (Youpon)  
Pennisetum setaceum 'Cupressus' (Fountain Grass)  
Raphiolepis indica (Indiana Hawthorn)  
Strelitzia nicolai (Giant Bird of Paradise)  
Viburnum tinus (Laurustinus)

### 4.8.11 Groundcover Planting

For use in planting beds to complement turf area, groundcovers shall be of types that are easy to maintain. Groundcovers shall be planted at maximum spacing of 12" on center from flats or larger.

Fragaria chiloensis (Sand Strawberry)  
Lantana montevidensis (Dwarf Lantana)  
Rosmarinus officinalis (Dwarf Rosemary)  
Trachelospermum jasminoides (Star Jasmine)  
Verbena peruviana (Verbena)  
Cerastium tomentosum (Snow in Summer)  
Oenothera berlandieri (Mexican Evening Primrose)  
Myoporum parvifolium 'Putah Creek'  
Turf-type Tall Fescue

### 4.8.12 Vines

For use in planting beds in place of tall hedge to screen trash enclosure and utility equipment. They shall be of minimum 5 gallon container.

Clytostoma callistegioides (Violet Trumpet Vine)  
Gelsemium sempervirens (Carolina Jessamine)  
Ficus pumila (Creeping Fig)

### 4.8.13 Hardscape Design Elements

Hardscape design elements shall be incorporated into the overall design scheme for plaza, courtyard or transitional spaces within **The Exchange**. Hardscape elements will function as visual and physical connection between buildings, buildings and landscape materials within the project area in a coordinated and consistent manner. The elements, which are depicted in the following exhibits, shall include but may not be limited to the following:

Light fixtures  
Bollards  
Benches  
Trash receptacles  
Planter pots  
Signage

### 4.8.14 Installation and Maintenance

#### 4.8.14.1 Water

Permanent automatic irrigation facilities shall be provided for all landscape areas. This system may be augmented by drought-resistant vegetation.

#### 4.8.14.2 Maintenance

All landscaping shall be permanently maintained in neat, clean and healthful condition.

## **5.0 INDUSTRIAL PARK (IP) PLANNING AREA** (Entire Section 5.0 is new as of 2016)

### **5.1 General Development Standards**

- 5.1.1 All development within the Industrial Park (IP) Planning Area shall comply with the requirements and standards set forth in this Section 5.0 of the Specific Plan document and the appropriate provisions of the Ontario Development Code (effective 1/1/2016), including the IG (General Industrial) Zoning District standards contained in Section 6.01.025 and other applicable provisions of the Code. Where conflicts exist between the standards contained in this Specific Plan and those found in the Ontario Development Code, the regulations and standards in the Specific Plan shall take precedence. Any area of site development, administration, review procedures, environmental review, landscaping requirements, and regulations not expressly addressed by this Specific Plan document shall be subject to the provisions of the Ontario Development Code, using the context and objectives of the Specific Plan as a guide.
- 5.1.2 The site design of each development within the Industrial Park (IP) Planning Area shall give consideration to the use of setbacks, building massing, building orientation, the distance between buildings and landscape as design tools to maintain shelter from the prevailing wind and to thoughtfully shape views to the site.
- 5.1.3 All structures shall be designed in three-dimensions and all facades and the roofscapes shall receive consideration.
- 5.1.4 Site designs, submitted for development review, shall contain clear and direct indications, on the plans as to how these criteria have been satisfied.
- 5.1.5 **Minimum Lot Size**
- The minimum lot size is 10,000 square feet in the IP Planning Area, which may include common access easements. Minimum lot dimensions are 100 feet for both width and depth. All lots should be large enough to meet the total space requirements of their ultimate users. Sufficient space must be provided to accommodate the principal and accessory structures, parking, landscaping provisions, and setback areas.
- 5.1.6 **Setbacks**
- Refer to Section 5.3.
- 5.1.7 **Maximum Building Height**
- Forty-five feet (45'), except that towers and other architectural features may be erected to a height of up to 25 percent above the prescribed height limit pursuant to Section 6.01.025.D.1.a. of the Ontario Development Code (effective 1/1/2016).

## ***The Exchange in Ontario, California***

---

### 5.1.8 Maximum Floor Area Ratio (FAR)

Maximum Floor Area Ratio in the Industrial Park Planning Area is 0.55 FAR. Maximum FAR calculation includes all main and accessory structures intended for human habitation and all lot area, including common access easements.

### 5.1.9 Minimum Landscape Coverage

5.1.9.1.1 At minimum, ten percent (10%) of lots in the Industrial Park (IP) Planning Area shall be landscaped. Landscaped areas with a minimum dimension of less than 5 FT shall not contribute toward the “minimum landscape coverage” calculation. The “minimum landscape coverage” calculation shall exclude all landscaped areas located within public rights-of-way.

5.1.9.1.2 At minimum, seven percent (7%) of off-street parking areas in the Industrial Park (IP) Planning Area shall be landscaped. See Section 6.05.030.D, Landscaping of Off-Street Parking Facilities, in the Ontario Development Code (effective 1/1/2016)

### 5.1.10 Utilities and Exterior Equipment

5.1.11.1 All utilities, including storm drain systems, sewer, gas and water lines, electrical, telephone and communication wires and related equipment shall be installed and maintained underground.

5.1.11.2 Roof mounted mechanical equipment shall be screened from public view by building parapets or decorative elements of equal height.

5.1.11.3 Electric transformers, utility pads, cable TV and telephone boxes shall be located out of public rights-of-way and underground or screened with walls, fences or vegetation or otherwise enclosed in a manner harmonious with the overall architectural theme.

## **5.2    Permitted Uses**

Uses in the Industrial Park Planning Area of the Exchange Specific Plan may include a range of limited manufacturing and assembly activities, storage and warehouse activities and other similar light industrial uses consistent with the IP (Industrial Park) Zoning District of the Ontario Development Code, Table 5.02-1 Land Use Matrix (effective 1/1/2016). The Industrial Park Planning Area, totaling approximately 11.5 acres, is located at the southerly portion of the Specific Plan Area, north of Ontario Mills Parkway.

# The Exchange in Ontario, California

## 5.3 Setbacks and Separations

Table 5.3-A below shall govern minimum setbacks and separations from property lines and areas adjacent to streets and structures within the Industrial Park (IP) Planning Area of the **The Exchange** Specific Plan.

**TABLE 5.3-A  
SETBACKS and SEPARATIONS for INDUSTRIAL PARK (IP)**

<b>Minimum Building Setbacks Along:</b>	<b>Setbacks (feet)</b>
Ontario Mills Parkway	20' Min.
Interstate 15 Right-of-Way	20' Min.
Freeway Commercial (FC) Planning Area	0'
Southern California Edison Right-of-Way	0'
Interior Property Lines	0'
<b>Minimum Parking and Drive Aisle Separations Along:</b>	
Ontario Mills Parkway	10' Min.
Interstate 15 Right-of-Way	10' Min.
Freeway Commercial (FC) Planning Area	5' Min.
Southern California Edison Right-of-Way	5' Min.
Parking Spaces to Interior Building, Walls and Fences in IP Area	5' Min.
Exception: Within Screened Loading & Storage Yard Areas	0'
Parking Spaces Adjacent to Building Public Entries and Primary Office Areas	10' Min.
Drive Aisles to Building, Walls and Fences	10' Min.
Exception: Within Screened Loading & Storage Yard Areas	0'
<b>Minimum Screened Loading and Storage Yard Separations:</b>	
Ontario Mills Parkway	20' Min.
Interstate 15 Right-of-Way	20' Min.
Freeway Commercial (FC) Planning Area	5' Min.
Southern California Edison Right-of-Way	0'
Screened Loading & Storage Yard to Interior Property Line	0'
Screened Loading & Storage Yard to Building, Walls and Fences	0'



# ***The Exchange in Ontario, California***

---

## Notes Applicable to Table 5.3-A

- A. All setbacks measured from the property line when applicable.
- B. The full depth of all parking and building setbacks and separation areas shall be landscaped, excluding areas for pedestrian walkways and vehicular drives. The separation area may include pedestrian walkways, as necessary; however, where a planter area is able to be provided with a walkway, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.
- C. Greater setbacks than required herein may be required to meet the objectives of the plan.
- D. The Planning Commission may grant reductions to these standards when the findings can be made that (1) adequate landscaped open space will be provided elsewhere within the project, (2) reduced setbacks will result in a superior building design enhancing the character of the urban environment.
- E. Sidewalks and public transit facilities (i.e., bus shelters) may encroach into required street setback areas, but shall be required to be located within easements.

## **5.4 Loading & Storage Areas**

- 5.4.1 Provisions shall be made, on-site, for all necessary vehicle loading.
- 5.4.2 Loading docks or staging areas shall be located in the rear or side-yard of buildings, recessed and/or screened so as not to be visible from public rights-of-way. In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
- 5.4.3 No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored upon any site except inside a closed building or behind a screen wall in a designated area.
- 5.4.4 Earth berms, landscape materials, fencing or walls and appropriate combinations thereof, shall be used for screening purposes. Chain link may be used to screen service or truck loading areas not in public view, however, where employed, the metal fabric must be substantially obscured by vines or other plant materials.
- 5.4.5 Outdoor storage areas shall be screened with masonry walls, vine covered wire mesh (not chain link) fencing or a combination of landscaping and walls and/or fencing not less than 8 feet in height. No materials shall be stored higher than 8 feet.

## **5.5 Refuse Collection Areas**

- 5.5.1 No refuse collection areas shall be permitted between a street and the front of a building.

# ***The Exchange in Ontario, California***

---

- 5.5.2 Refuse collection areas shall be so designed as to contain all refuse generated on-site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.
- 5.5.3 Screen walls and enclosures should be visually connected to the primary building structure or designed to be harmonious in style, material, finish and color with the overall architectural theme.
- 5.5.4 Refuse and recyclable materials container storage shall be within City approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.
- 5.5.5 Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

## **5.6 Architectural Design Guidelines**

### **5.6.1 Intent**

This Specific Plan is not intended to define a specific "style" for building design within the IP Planning Area. However, the proximity and relationship to Interstate 15 on the west should be considered as the primary design influence. The design theme of the IP Planning Area within **The Exchange** shall be one, which creates a harmonious building style, form, size, color and material palette, and roof line as it relates to surrounding planned or existing development. Subtle variations are encouraged which provide visual interest but do not create abrupt changes causing discord in the overall design of the immediate area. It is not intended that one style of architecture be dominant, but that individual structures create and enhance a high quality and harmonious community experience. All projects shall comply with Industrial Design Guidelines of Section 6.01.025.F. of the Ontario Development Code as applicable and directed by the City of Ontario.

General design criteria to be considered within the development shall include the following:

- (A) The freeway elevation of the major buildings should receive treatment designed to convey the character and uses of the development to freeway commuters traveling at high speeds in a simple way. Color, enhanced building materials, simple massing, and dynamic building forms and details are the primary means for accomplishing this character.
- (B) Buildings oriented towards Ontario Mills Parkway should receive a more intimate level of detail designed to enhance the character of the development at normal surface street level. Colors, textures and materials shall be coordinated to achieve compatibility of design, blend well with the surrounding environment and not cause abrupt changes.

# ***The Exchange in Ontario, California***

---

(C) Design elements to be considered are:

1. Provide offsets or bays when appropriate.
2. Architect shall incorporate enhanced alternative materials or treatment at building entrances and high visual impact areas.
3. Create unique and identifiable primary office entry treatment.
4. Avoid expanses of blank wall that are devoid of any articulation or embellishment.
5. Integrate screening for roof-mounted equipment into the building design (i.e. extend parapet walls) rather than having a “tacked-on” appearance.

(D) A sign program for the development shall be developed to create a coordinated project theme of uniform design elements such as color, lettering style and placement. The sign program shall specify a consistent sign type and avoid mixing different sign types, such as canister signs with channelized letters; use a consistent size (i.e. maximum height and length) which is proportionate to the building; limit sign length to no more than seventy percent (70%) of the leased space width; tenants may have variation in sign letter style, color and size (i.e. height, area and length). Refer to Section 3.4.6 of this Specific Plan.

(E) Freeway monument or pylon sign(s) shall be addressed through the review of the sign program and shall comply with the sign standards of Chapter 8.0, including Table 8.01-1.A (All Zoning Districts) and 8.01-1.E (Industrial Zoning Districts) of the Ontario Development Code (effective 1/1/2016).

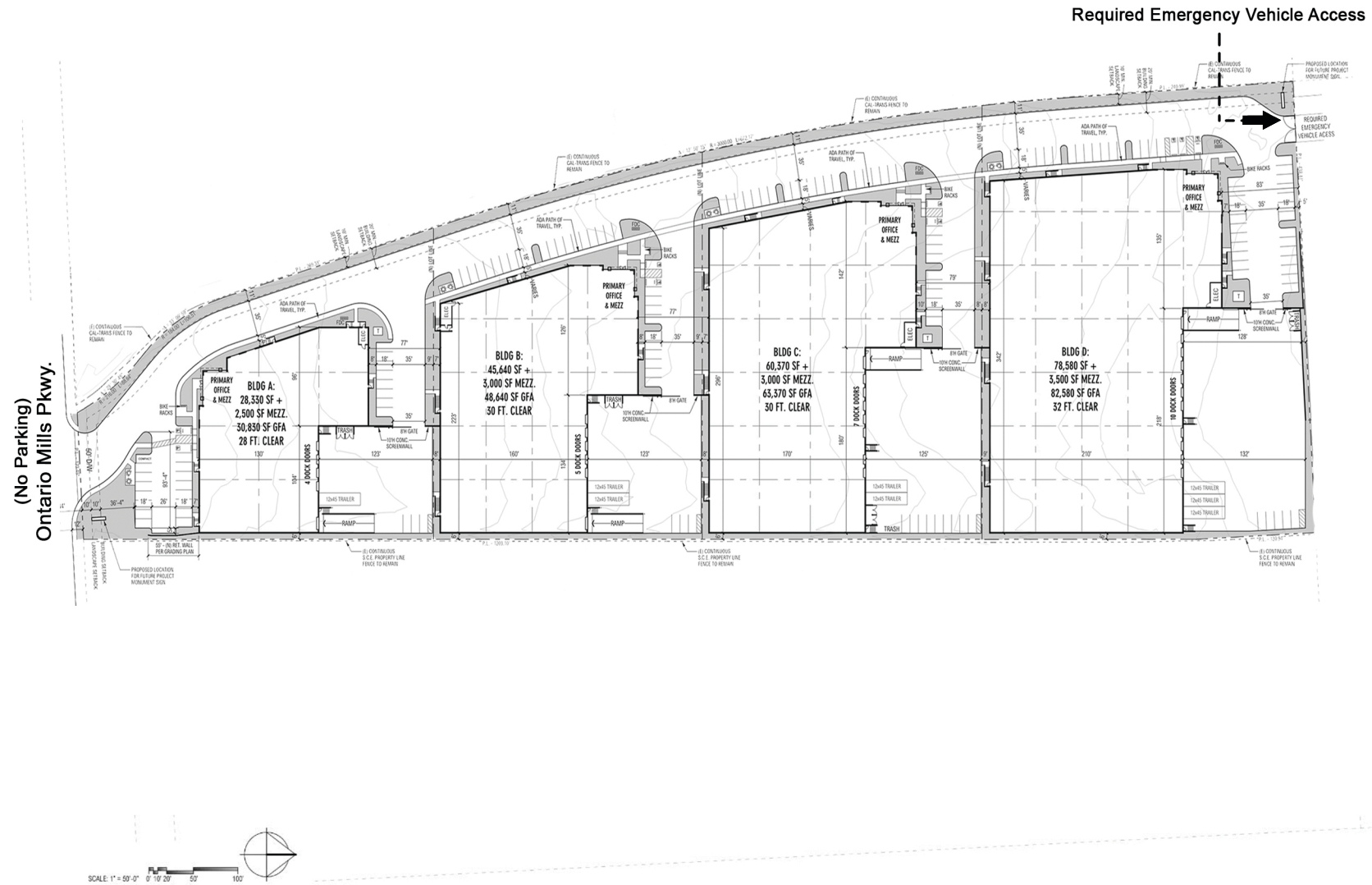
## **5.6.2 Implementation**

5.6.2.1 A Development/ Site Plan Review per the submittal guidelines of the City of Ontario is required for all site plans within the Industrial Park Planning Area. Refer to current submittal requirements and fees published by the City. Exhibit 5.6-A depicts one potential concept as described herein.

5.6.2.2 All projects and site plans within the development shall be compatible with regard to architectural theme.

# The Exchange in Ontario, California

## EXHIBIT 5.6-A CONCEPTUAL INDUSTRIAL PARK (IP) SITE PLAN



## ***The Exchange in Ontario, California***

---

## **5.7      Landscape Design**

Landscape design in the Industrial Park (IP) Planning Area of **The Exchange** Specific Plan shall adhere to all applicable principles, requirements, standards and guidelines for nonresidential development as contained in Chapter 6.0, Division 6.05–Landscaping of the Ontario Development Code (effective 1/1/2016) as directed by the City of Ontario.