

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
SEPTEMBER 1, 2015**

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

Mary E. Wirtes, MMC
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: 1083-011-10; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Chris Pluhar; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Two (2) or more cases.

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

PLEDGE OF ALLEGIANCE

Council Member Avila

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

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. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of August 4, 2015, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills July 12, 2015 through July 25, 2015 and **Payroll** July 12, 2015 through July 25, 2015, when audited by the Finance Committee.

3. APPROVAL OF THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND BEST BEST & KRIEGER

That the City Council approve and authorize the City Manager to execute the Third Amendment to Legal Services Agreement (on file in the Records Management Department) between the City and Best Best & Krieger of Riverside, California.

4. AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

That the City Council consider and adopt an ordinance adding a new Chapter 8 to Title 8 of the Ontario Municipal Code entitled Small Residential Rooftop Solar Energy Systems.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 8 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

5. FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR THE FRANCIS STREET STORM DRAIN PROJECT

That the City Council approve a funding agreement totaling \$7,730,000 with the San Bernardino County Flood Control District (SBCFCD) for funding the construction of the Francis Street Storm Drain Project, from West Cucamonga Channel to Bon View Avenue; and authorize the City Manager to execute said Agreement and future administrative amendments to the Agreement.

6. SPENDING PLAN AMENDMENT FOR FY 2012-13 AND FY 2013-14 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM

That the City Council authorize amendments to the approved spending plans for the Fiscal Year 2012-13 and 2013-14 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant for residual funds to be utilized towards equipment to upgrade the Dispatch and Watch Commander work areas.

7. MEMORANDUM OF UNDERSTANDING WITH INLAND EMPIRE UTILITIES AGENCY FOR ADDITIONAL FUNDING OF WATER CONSERVATION REBATE PROGRAMS

That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with Records Management Department), and related subsequent amendments, with the Inland Empire Utilities Agency to enhance water conservation rebate funding for Ontario residents and businesses.

8. AN ORDINANCE AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE – WATER CONSERVATION PLAN

That the City Council consider and adopt an ordinance amending Chapter 8A, of Title 6 of the Ontario Municipal Code – Water Conservation Plan.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

9. MEMORANDUM OF UNDERSTANDING TO FILE A JOINT APPLICATION BETWEEN CITY OF ONTARIO AND INLAND EMPIRE UTILITIES AGENCY TO THE STATE WATER RESOURCES CONTROL BOARD FOR FUNDING OF RECYCLED WATER INFRASTRUCTURE PROJECTS

That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department) authorizing the Inland Empire Utilities Agency and City to submit a joint application to the State Water Resources Control Board (SWRCB) for funding of \$20 million City recycled water infrastructure projects; and authorize the City Manager to execute any subsequent funding agreements consistent with the Memorandum of Understanding.

10. A RESOLUTION ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES TO COMPLY WITH STATE REGULATIONS FOR REOCCURRING EXCESS WATER USAGE

That the City Council adopt a resolution establishing water use limitations and volumetric penalties to comply with State regulations for reoccurring excess water usage.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES FOR REOCCURRING EXCESS USAGE TO COMPLY WITH STATE REGULATIONS PURSUANT TO CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

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.

II. A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO, CALIFORNIA AND HOLT MELROSE, LLC.

That the City Council conduct a public hearing to consider the sale of City-owned property; and adopt a resolution approving a Disposition and Development Agreement ("Agreement") between the City of Ontario ("City") and Holt Melrose, LLC ("Developer") of Newport Beach, California (on file with the Records Management Department); and authorize the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project for the redevelopment of the 600 block of East Holt Boulevard.

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 THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND HOLT MELROSE, LLC, FOR PROPERTY GENERALLY LOCATED AT 612 EAST HOLT BOULEVARD AND 115 SOUTH PLEASANT AVENUE (APN: 1049-092-11, 12 AND 13).

12. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT PROPOSING A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE.

That the City Council conduct a public hearing to consider the adoption of a resolution approving an Addendum to The Ontario Plan Environmental Impact Report, analyzing the environmental effects of the Project pursuant to Section 15164 of the California Environmental Quality Act Guidelines; and, introduce and waive further reading of an ordinance amending Title 9 (Development Code) of the Ontario Municipal Code, and repealing various provisions of the Ontario Municipal Code, including: Title 4, Chapter 13 (Parking on Unpaved Surfaces); Title 5, Chapter 22 (Property Appearance – Nuisance); Title 6, Chapter 1 (Animals and Fowl); and Title 6, Chapter 2 (Fish Meal Storage and Handling).

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 AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PDCA11-003, A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT FOR A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9), TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

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 1, 2015

ROLL CALL: Wapner __, Bowman __, Dorst-Porada __, Avila __ Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1083-011-10 City/Authority Negotiator: Al C. Boling or his designee;
Negotiating parties: Chris Pluhar; Under negotiation: Price and terms of payment.

| No Reportable Action | Continue | Approved |
|----------------------|----------|----------|
| // | // | // |

Disposition: _____

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Two (2) or more cases.

| No Reportable Action | Continue | Approved |
|----------------------|----------|----------|
| // | // | // |

Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: APPROVAL OF THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND BEST BEST & KRIEGER

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute the Third Amendment to Legal Services Agreement (on file in the Records Management Department) between the City and Best Best & Krieger of Riverside, California.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport Operate in a Businesslike Manner

FISCAL IMPACT: The proposed Third Amendment includes a modification to the hourly billing rates for special counsel (extraordinary) services. The City currently pays a blended average hourly rate of \$226 an hour for all attorney services and \$148 an hour for paralegal work. The Third Amendment would modify hourly rates from these fixed amounts to a range of \$215 - \$390 an hour for attorney services, \$210 - \$220 for law clerks, and a set rate of \$165 for paralegal work. The potential total increase or decrease in cost will vary depending on the amount of specialized legal work required, and the apportionment of that work between partners, of counsel, associates, law clerks, and paralegals.

BACKGROUND: In 2005, the existing contract set hourly billing rates and created an annual "Compensation Cap" on the costs for basic legal services. The rate and the Compensation Cap adjust in July of each year to reflect any increases in the regional Consumer Price Index. The terms of that amendment currently govern, and the City pays \$226 an hour for all attorney services and \$148 an hour for all paralegal services. The Compensation Cap is \$1,510,540.

Under the terms of the contract, the Compensation Cap does not apply to "Extraordinary Services." These services are nevertheless billed at the same rate as basic legal services. Included in this category are services for:

- Eminent Domain Proceedings
- Complex Personnel-Related Litigation

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby

Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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- Defense of Complex Tort Litigation, including wrongful death claims
- Matters that either in nature or scope are unusual, unexpected and/or complex involving the City or its elected officials, officers, or employees
- Elective litigation initiated at the City Council’s request
- Third Party Reimbursements

Under the terms of the contract, BB&K must seek written approval from the City Manager before any services can be included under this “Extraordinary Services” category. Once approved, the work may be referred to BB&K or referred to outside special legal counsel other than BB&K.

The proposed Third Amendment would expand “Extraordinary Services” to include:

- Litigation involving (a) federal law, the United States or California Constitutions, zoning and land use, election law, wrongful death, or unusual and complex issues as otherwise mutually agreed, as well as litigation involving categories (2) through (17) stated below, and (b) litigation in which individual members of the City Council are named as parties
- Formal administrative hearing matters requiring an evidentiary presentation
- Labor relations and employment matters
- Non-routine real estate matters (e.g. CC&Rs, deed or title work)
- Land acquisition and disposal matters (including precondemnation)
- Redevelopment and housing matters
- Electric utility matters
- Fees and charges matters (e.g. Prop 218 & Mitigation Fee Act)
- Public construction disputes in which the amount at issue exceeds \$500,000
- Non-routine negotiation matters (including non-BB&K model agreements and franchise agreements)
- Non-routine land use and development matters (including general plan updates, Williamson Act issues, annexations and development agreements)
- Environmental matters (e.g. CEQA, NEPA, endangered species)
- Water law matters (e.g. water rights & quality)
- Tax and ERISA matters
- Toxic substances matters (e.g. CERCLA, RCRA)
- Telecommunications matters
- Other matters mutually agreed upon

“Extraordinary Services” would be billed as follows:

- Partners: \$240 - \$390
- Of Counsel: \$235 - \$380
- Associates: \$215 - \$270
- Law Clerks \$210 - \$220
- Paralegals: \$165

The proposed Third Amendment does not affect the rate for basic legal services. Nor would it affect the amount of the Compensation Cap. The City has previously contracted with other law firms for specialized legal services at an hourly rate similar to or greater than the proposed rates.

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

RECOMMENDATION: That the City Council consider and adopt an ordinance adding a new Chapter 8 to Title 8 of the Ontario Municipal Code entitled Small Residential Rooftop Solar Energy Systems.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None. The cost to implement the expedited permitting process will be recovered through existing permit fees.

BACKGROUND: On August 18, 2015 the City Council introduced an ordinance adding a new Chapter 8 to Title 8 of the Ontario Municipal Code entitled Small Residential Rooftop Solar Energy Systems. Assembly Bill (AB 2188), which amended the California Solar Act, requires that, on or before September 30, 2015, every city must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. The purpose of the law is to further the State policy of promoting and encouraging the installation and use of solar energy systems by limiting obstacles to their use.

The proposed ordinance requires that the City create a checklist of all requirements with which a small residential rooftop solar energy system must comply to be eligible for expedited review. Pursuant to AB 2188, the City must substantially conform its permitting process, including the checklist and standard plans, to the most current version of the California Solar Permitting Guidebook. Applications that meet all of the checklist requirements must be approved administratively by City staff pursuant to a non-discretionary permit. The City will modify its current plan process for solar projects by developing both the required checklist of requirements and the standard plan for small residential rooftop solar systems.

STAFF MEMBER PRESENTING: Kevin Shear, Building Official

Prepared by: Kira Bowen
Department: Building
City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015
Approved: _____
Continued to: _____
Denied: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 8 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

WHEREAS, the City Council of the City of Ontario seeks to implement Assembly Bill 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its residents; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents of the City to provide an expedited permitting process for small rooftop solar energy systems to assure the effective deployment of solar technology, in accordance with the requirements of Assembly Bill 2188.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 8 is added to Title 8 of the City of Ontario Municipal Code to read in its entirety as follows:

“CHAPTER 8. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

- 8-8.01 Applicability and Purpose
- 8-8.02 Small Residential Rooftop Solar Energy System Requirements
- 8-8.03 Duties of the Building Department and Building Official
- 8-8.04 Expedited Permit Review and Inspection Requirements

Sec. 8-8.01 Applicability and Purpose.

This Chapter applies to the permitting of all small residential rooftop solar energy systems in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Sec. 8-8.02 Small Residential Rooftop Solar Energy System Requirements.

- (a) “Small residential rooftop solar energy system” means solar energy system which meets all of the following:
 - (1) Is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal;
 - (2) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;
 - (3) Conforms to all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;
 - (4) Is installed on a single or duplex family dwelling;
 - (5) The panel or module array does not exceed the maximum legal building height as defined by the City.
- (b) Solar energy systems for heating water in single-family residences or for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.
- (c) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Sec. 8-8.03 Duties of Building Department and Building Official.

- (a) A checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review and all documents required for the submission of an expedited small residential rooftop solar energy system shall be made available on the City’s publicly accessible website.
- (b) Electronic submittal of the required permit application and documents via email, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants. Website applications may be allowed at such time in the future that the technology is made available by the City.

- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- (e) The small residential rooftop solar energy system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

Sec. 8-8.04 Expedited Permit Review and Inspection Requirements.

- (a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications within thirty (30) days of the adoption of this chapter.
- (b) An application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan shall be deemed complete, and the Building Department shall issue a building permit or other non-discretionary permit within three (3) business days.
- (c) Review of the application shall be limited to the building official's review of whether the applicant meets local, state and federal health and safety requirements.
- (d) If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.
- (e) Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
- (f) The inspection shall be done in a timely manner and should include consolidated inspections.
- (g) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter."

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Ontario Municipal Code.

SECTION 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. 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 1st day of September 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3026 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 18, 2015 and adopted at the regular meeting held September 1, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3026 duly passed and adopted by the Ontario City Council at their regular meeting held September 1, 2015 and that Summaries of the Ordinance were published on August 25, 2015 and September 8, 2015, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR THE FRANCIS STREET STORM DRAIN PROJECT

RECOMMENDATION: That the City Council approve a funding agreement totaling \$7,730,000 with the San Bernardino County Flood Control District (SBCFCD) for funding the construction of the Francis Street Storm Drain Project, from West Cucamonga Channel to Bon View Avenue; and authorize the City Manager to execute said Agreement and future administrative amendments to the Agreement.

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)

FISCAL IMPACT: The Adopted FY 2014-15 Budget includes appropriations for the construction phase of the Francis Street Storm Drain and Street Improvement Project in the amount of \$10,700,000. The funding agreement with SBCFCD will utilize Zone 1 Funds on a two-year reimbursement basis for the storm drain portion of the work only.

SBCFCD's share includes 75% of the actual storm drain construction cost, including inspection, construction management and other related costs up to a not to exceed amount of \$7,730,000. The City's share is the remaining 25% of the actual storm drain construction cost plus 100% of the street improvement costs. In addition, SBCFCD will accept full maintenance and future operational cost for the mainline storm drain system.

BACKGROUND: The Francis Street Storm Drain Project is a regional Master Plan facility that has a tributary drainage area of 670 acres. The project is located in Francis Street, from the West Cucamonga Channel to Bon View Avenue; a project location map has been provided for reference. The storm drain project consists of installation of reinforced concrete pipes of various sizes ranging from 18-inch to 120-inch diameter, construction of a concrete channel connection and improvements, catch basins, and other drainage appurtenances.

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

Prepared by: Tricia Espinoza, P.E.
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015
Approved: _____
Continued to: _____
Denied: _____

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This project has been recognized as a Regional Flood Protection Facility and funding was recommended as part of SBCFCD's Zone 1 Priority Project List and the Ten Year Construction Funding Program.

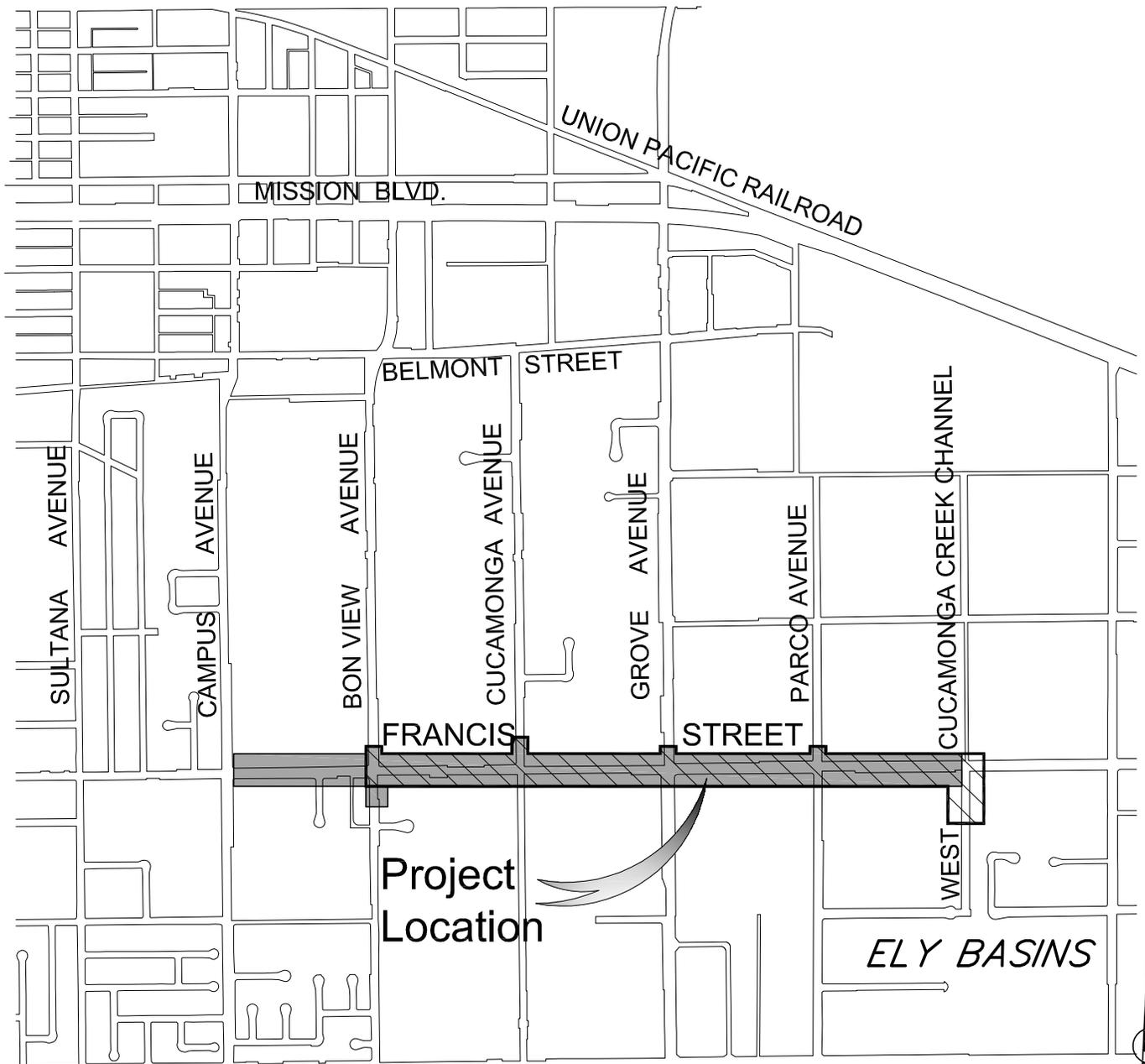
As part of the agreement, the City will serve as the lead agency, prepare the construction documents, administer and manage the construction, and advance the total funding of this project, with reimbursement from the SBCFCD's Zone 1 construction budget forthcoming in FY 2015-16 and 2016-17.

It is anticipated that construction will begin in April 2016 and be completed within one year.

FRANCIS STREET STORM DRAIN PROJECT Project No. SM9902

CAMPUS AVE. TO WEST CUCAMONGA CREEK CHANNEL

THOMAS BROTHERS MAP PG. 642 GRID D4 - J4



STORM DRAIN PROJECT AREA



PAVEMENT REHABILITATION PROJECT AREA



N.T.S.

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: SPENDING PLAN AMENDMENT FOR FY 2012-13 AND FY 2013-14 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM

RECOMMENDATION: That the City Council authorize amendments to the approved spending plans for the Fiscal Year 2012-13 and 2013-14 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant for residual funds to be utilized towards equipment to upgrade the Dispatch and Watch Commander work areas.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The current combined residual balances from the FY 2012-13 and FY 2013-14 SLESF/COPS Grant awards is \$378,861. Reallocating these funds to the FY 2015-16 Capital Improvement Project to reconfigure the Police Department Dispatch, Watch Commander and Patrol Briefing areas will offset anticipated lost project revenue from the State of California's recent decision to defund the SLESF/COPS Grant program in the upcoming State budget, which was estimated at \$265,000. There is no General Fund impact.

BACKGROUND: On February 5, 2013 the City Council approved the spending plan for the FY 2012-13 SLESF/COPS Grant, which was used for radio system improvements, wireless mesh network components and frontline law enforcement equipment. After procuring necessary items for these projects, the residual balance on the grant is \$95,980.

On October 15, 2013 City Council approved the spending plan for the FY 2013-14 SLESF/COPS Grant and allocated those funds for a License Plate Reader (LPR) Intelligence System. In light of recent federal legislation limiting future grant funding to LPR projects and the continued debate at the State level on restrictions for data retention and use of LPR systems, staff recommends deferring investment

STAFF MEMBER PRESENTING: Brad Kaylor, Chief of Police

Prepared by: Darryl Polk
Department: Police Department

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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in this technology and evaluating its deployment in neighboring communities. The residual balance on this grant is \$282,881.

Staff recommends reallocation of these residual grant funds toward the relocation and reconfiguration of the Police Dispatch, Watch Commander and Patrol Briefing areas. The project will improve coordination with Dispatch and the Watch Commander and will address security and continuity of operation concerns with current center location.

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING WITH INLAND EMPIRE UTILITIES AGENCY FOR ADDITIONAL FUNDING OF WATER CONSERVATION REBATE PROGRAMS

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with Records Management Department), and related subsequent amendments, with the Inland Empire Utilities Agency to enhance water conservation rebate funding for Ontario residents and businesses.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

FISCAL IMPACT: This memorandum of understanding (MOU) is for \$125,000. The approved Fiscal Year 2015-16 budget includes funds in the Water Operating Fund for this MOU. There is no impact to the General Fund.

BACKGROUND: In response to statewide severe drought conditions, on April 1, 2015, Governor Jerry Brown signed an Executive Order requiring all water suppliers in California to reduce potable water use by 25% beginning June 1, 2015 and continuing through February 28, 2016. Following the Governor's Executive Order, the State Water Resources Control Board approved Emergency Conservation Regulations, including mandating the City of Ontario to reduce potable water use by 24%.

On May 5, 2015, the City Council declared a water shortage and approved implementation of Stage 2 of the City's Municipal Code Water Conservation Plan (as described in section 6-8.27 of Ontario's Municipal Code, Chapter 8A).

On June 17, 2015 City Council approved the Fiscal Year 2015-16 budget that included funds to enhance water conservation programs to assist Ontario water customers achieve a 24% reduction in potable water use.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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The City participates in regional water conservation programs which provide significant educational and financial resources to assist customers in using water wisely and efficiently. Currently, in coordination with the City, the Inland Empire Utilities Agency (IEUA) manages these regional water conservation programs. The initial MOU with IEUA will make available an additional \$125,000, to City residents and businesses, including but not limited to the rebate programs listed below. Any amendments to the MOU will be consistent with these types of conservation programs and City Council approved budgets.

- **Residential Turf Removal Rebate Program – adds \$0.50 per square foot**
 - Current Rebate = \$2.00 per square foot
 - Additional Rebate = \$0.50 per square foot
 - The City funds will go towards applicants that have already been approved for this Program. However, this Program is currently not accepting any new applications because all regional funding has been allocated. The MOU allows for City funds to be used for any supplemental turf removal program that may develop during the term of the MOU.

- **Weather-Based Irrigation Controllers – adds \$50 per controller**
 - Current Rebate = \$150 per controller
 - Proposed Rebate = \$200 per controller

- **High-Efficiency Toilets – adds \$50 per toilet**
 - Current Rebate = \$150 per toilet
 - Proposed Rebate = \$200 per toilet

- **High-Efficiency Washers – adds \$50 per washer**
 - Current Rebate = \$150 per washer
 - Proposed Rebate = \$200 per washer

The initial MOU with IEUA would run through June 30, 2016. This MOU also provides that any unused funding supplied by the City to IEUA will be returned to the City upon reconciliation of year-end program closures.

Information related to the City's water conservation rebate programs, free landscape workshops and free classroom education materials can be found at www.OntarioWaterWise.org.

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE – WATER CONSERVATION PLAN

RECOMMENDATION: That the City Council consider and adopt an ordinance amending Chapter 8A, of Title 6 of the Ontario Municipal Code – Water Conservation Plan.

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

FISCAL IMPACT: Reductions in potable water sales as a result of conservation efforts may result in decreased revenue for the Water Fund and a corresponding decrease in some operational costs such as potable water purchases. These assumptions were incorporated into the approved Fiscal Year 2015-16 budget, and no further budget adjustments are required at this time.

BACKGROUND: On August 18, 2015, the City Council introduced an ordinance amending Chapter 8A, of Title 6 of the Ontario Municipal Code – Water Conservation Plan.

In response to statewide severe drought conditions, on April 1, 2015, Governor Brown signed an Executive Order requiring all water suppliers in California to reduce potable water use by 25%, beginning June 1, 2015 and continuing through February 28, 2016.

On May 5, 2015, the City Council declared a water shortage and approved implementation of Stage 2 of the City's Municipal Code Water Conservation Plan (as described in section 6-8.27 of Ontario Municipal Code, Chapter 8A), consistent with the State Water Resources Control Board (SWRCB) Emergency Water Conservation Regulations (Regulations) approved in March 2015.

On May 18, 2015, the SWRCB approved additional regulations. The most significant of these additional regulations was the elimination of the requirement to limit the number of days that outdoor irrigation is allowed and replacing it with a specific potable water use reduction requirement. The City's potable water use reduction requirement is 24%. For the first two months of the SWRCB's compliance period,

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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June and July, the City achieved a cumulative 23% reduction in water usage. While this is close to the mandated reduction, it may be partially a result of cooler/wetter weather conditions experienced as compared to the 2013 baseline period established by the State.

In response to the SWRCB's additional regulations, the proposed ordinance to amend the Water Conservation Plan includes the highlighted changes listed below.

- In any Stage of the Water Conservation Plan, the City Council has authority to adopt a resolution to establish water use limitations and enforce those limitations with volumetric penalties. The volumetric penalties would be collected in the Water Fund and used for water conservation programs. In order to comply with the State mandated 24% reduction in potable water usage, staff will present a resolution for Council consideration of volumetric penalties at the next City Council meeting.
- Stage 2 of the Water Conservation Plan includes the following changes:
 - Residents and businesses are no longer limited to a specific number of days per week for irrigation. This change would allow customers greater flexibility in determining how to achieve water conservation goals.
 - All customers are prohibited from irrigating turf or ornamental landscapes during and within 48 hours following measurable rainfall.
 - Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and must prominently display notice of this option.
 - All persons, including the City, are prohibited from irrigating with potable water any ornamental turf on public street medians.
 - The use of potable water for irrigation outside of newly constructed homes and buildings shall be consistent with California Building Standards Commission and Department of Housing & Community Development.
- Stage 3 of the Water Conservation Plan includes the following changes:
 - Residents and businesses are no longer limited to a specific number of days per week for irrigation. This change would allow the customer greater flexibility in determining how to achieve water conservation goals.
 - The requirement prohibiting the use of potable water for all construction activities and grading may be waived with written authorization from the City Manager or his/her designee.
- Additional provisions have been added to the "Failure to Comply" and "Appeal and Hearing" sections to reflect recently adopted legislation, Senate Bill 88.

To assist residents and businesses with successful implementation of these water restrictions there are a number of water saving rebate programs available, free landscape workshops and free classroom

education materials; which can be found on the City's website under the Municipal Utilities Company at www.OntarioWaterWise.org.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

WHEREAS, California Constitution Article X, Section 2 and California Water Code Section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use or unreasonable method of use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code Section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code Section 375, the City of Ontario (the "City") is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the City; and

WHEREAS, because of the declared policy of the State, the City hereby finds and determines that it is necessary and appropriate for the City to adopt, implement, and enforce a water conservation program to reduce the quantity of water used by consumers within the City to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to California Water Code Section 350 the Board of Directors is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the City will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this Ordinance; and

WHEREAS, in the event the City determines that it is necessary to declare that a water shortage exists, the City will be authorized pursuant to this Ordinance to implement certain water shortage response measures and a water conservation and regulatory program to regulate water consumption activities within the City and ensure that the water delivered in the City is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the City is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the waste of City water or the use of City water during such period; (ii) prohibit use of water during such periods for specific uses which the City may from time to time find to be nonessential, an unreasonable use, and unreasonable method of use, or a waste of water; and (iii) reduce and restrict the quantity of water used by those persons within the City for the purpose of conserving the water supplies of the City; and

WHEREAS, it has been estimated that more than half of residential water use in many parts of California is used to irrigate lawns and outdoor landscaping; and

WHEREAS, the City has determined that during water shortages and water shortage emergencies, the use of outdoor water for irrigating lawns and outdoor landscaping is not essential to public health and safety, and may be an unreasonable use, an unreasonable method of use, or a waste of water; and

WHEREAS, during a water shortage and water shortage emergencies the greatest reductions in water usage may best be achieved by reducing the amount of discretionary, nonessential use of potable water to irrigate lawns and landscaping; and

WHEREAS, to secure compliance with the rules and regulations established during water shortage stages and emergencies, and assure important public policy objectives are achieved for the reduction of water usage during severe and critical water shortages and emergencies, the City is proposing to authorize the imposition of volumetric penalties for excessive water usage by customers when the City Council deems it appropriate under the circumstances or as a result of executive action, emergency legislation or other actions of the State; and

WHEREAS, pursuant to Water Code Section 377, the City may, by resolution or ordinance, make the violation of a water conservation program enacted by its City Council subject to an administrative civil penalty and impose volumetric penalties; and

WHEREAS, the City Council hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within the City to protect the general welfare and the City's water supplies, and to reduce water consumption in accordance with the declared policies and laws of the State.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the recitals discussed above are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Chapter 8A, of Title 6 the Municipal Code is hereby amended to read as follows:

Sec. 6-8.20. Scope and title.

This Chapter shall be known as “The Water Conservation Plan of the City of Ontario.”

Sec. 6-8.21. Statement of policy and declaration of purpose.

- (a) Because of the water supply conditions prevailing in the City and/or the area from which the City obtains a portion of its supply, the general welfare requires that the water resources available to the City of Ontario be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and that the conservation of such water be practiced with a view to that reasonable and beneficial use thereof in the interest of the people of the City.
- (b) The purpose of this chapter is to minimize the potential for a water shortage through the practice of water conservation, and to minimize the effect of a shortage of water supplies on the water customers of the City. It is furthermore the intent of this chapter to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for domestic, sanitation, and fire protection of the community to the greatest extent possible.
- (c) This chapter shall be applicable to all persons within the City. For the purposes of this chapter, “person” means any natural person, property owner, renter, or lessee, as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, homeowners’ association, joint venture, business entity, or other similar entity, or the property management company, property manager, agent, employee or representative of any of the above.

Sec. 6-8.22. Authorization.

- (a) The City Council may declare a water shortage based on a determination by the Metropolitan Water District of Southern California, the Inland Empire Utilities Agency of a water shortage, the declaration of an executive order of the Governor or the adoption of voluntary or mandatory water use restrictions by any State agency governing the use of water, or based upon any interruption in water supply or delivery that the City Council determines in its sole discretion necessitates water conservation pursuant to this chapter.
- (b) In the event of an immediate emergency that causes an unplanned interruption of water supply, the City Manager or his/her designee is authorized to restrict water use and apportion the available supply of water among its customers in the most equitable manner possible to continue service fairly and without discrimination, except that preference shall be given to such service as is essential to the public interest and to the preservation of life and health.

- (c) A water shortage, including a water shortage emergency but excluding an immediate emergency, shall be declared by the adoption of a resolution of the City Council.
 - (1) A notice of a water shortage, other than a water shortage emergency, shall be published in a daily newspaper of general circulation within the City. Any restrictions on the use of water during a declared water shortage shall become effective immediately upon such publication.
 - (2) Notice of hearing to declare a water shortage emergency, other than an immediate emergency, shall be made in accordance with Water Code Section 351. Any restrictions on the use of water during a declared water shortage shall become effective immediately upon adoption unless otherwise be determined by the City Council.

Sec. 6-8.23. General prohibitions.

- (a) The following are prohibited in any new water connections:
 - (1) Non-recycling decorative fountains;
 - (2) Single-pass cooling systems; and
 - (3) Conveyor and in-bay vehicle wash and commercial laundry systems that do not reuse water.
- (b) No water customer of the City shall make, cause, use, or permit the use of water from the City in a manner contrary to any provision of this chapter or in an amount in excess of the use permitted by any restriction provisions then in effect pursuant to the provisions of this chapter.

Sec. 6-8.24. Exceptions.

- (a) The prohibited uses of water and water use restrictions provided within this chapter are not applicable for the use of recycled water or the use of potable water necessary for public health and safety or for essential government services such as police, fire and other similar services.
- (b) Nothing contained within this chapter shall be construed to require the City to curtail the supply of water necessary for the health, safety, and welfare of any person.

Sec. 6-8.25. Voluntary conservation.

All persons are encouraged to voluntarily limit the amount of water used to the amount absolutely necessary for health and safety, business operations, and irrigation. Except as otherwise provided in this chapter where a declared water shortage stage or water shortage emergency requires mandatory or other more stringent requirements, the following elements of conservation apply at all times on a voluntary basis by all persons within the City:

- (a) Avoid hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except as required for sanitary purposes. If a person uses a hand-held hose to wash any sidewalk, walkway, driveway, parking area or other paved surface, the hose shall be equipped with a positive shutoff nozzle.
- (b) Wash motor vehicles, trailers, boats and other types of mobile equipment using a hand held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, or at the immediate premises of a commercial car wash or with recycled wastewater for approved uses.
- (c) Avoid using water to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system.
- (d) Encourage restaurants, hotels, cafés, cafeterias or other public places where food is sold, served or offered for sale, to serve drinking water only to those customers expressly requesting water.
- (e) Promptly repair all leaks from indoor and outdoor plumbing fixtures.
- (f) Avoid watering lawn, landscape or other turf areas more often than every other day and during the hours between 6:00 a.m. and 6:00 p.m.
- (g) Avoid causing or allowing the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

Sec. 6-8.26. Stage 1 water shortage-water supply reduced by up to ten percent (10%).

- (a) During a Stage 1, the following mandatory restrictions on the use of potable water shall be applicable when the City Council determines that the City's water conservation goals are not being met by voluntary water conservation measures, or that the City's water supplies are likely to be reduced by up to ten percent (10%) or it has otherwise been requested or directed by executive order or regulation of a State agency to reduce its potable water consumption or production by a specified amount.
 - (1) Except as required for health and sanitary purposes, washing of sidewalks, walkways, driveways, parking areas or other paved surfaces is prohibited. Any held-hose used for such purposes shall be equipped with a positive shutoff nozzle.
 - (2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash or with reclaimed wastewater.

- (3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system.
 - (4) No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested.
 - (5) All water customers of the City shall promptly repair all leaks from indoor and outdoor plumbing fixtures. Such leak shall be repaired in a timely manner after notification by the city, but in no case after notification in excess of seventy-two (72) hours for the first violation and then every seventy-two (72) hours thereafter for the second and third violations.
 - (6) No person shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas between the hours of 9:00 a.m. and 4:00 p.m. In any event, such watering shall not be in excess of needs nor be of a manner that allows water to flow onto streets or other paved areas. The above mentioned plants may be watered by a hand-held hose equipped with a positive shutoff nozzle at any time of the day. This provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
 - (7) No water customer of the City shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinkler or excessive watering.
 - (8) The use of water from fire hydrants shall be limited to fire fighting and related activities necessary to maintain the public health, safety, and welfare. An exception may be made for construction use through a proper city-designated meter. The use of potable water for construction activities shall be restricted in areas where recycled water is available for such use.
- (b) At any time during a Stage 1, if the City Council determines that additional reductions in the amount the potable water being used by water customers are necessary, it may adopt a resolution establishing water use limitations and enforce those water use limitations by the adoption and imposition of a volumetric penalty established therein.

Sec. 6-8.27. Stage 2 water shortage-water supply reduced by ten percent (10%) to twenty percent (20%).

- (a) During a Stage 2, the following mandatory restrictions on the use of potable water shall be applicable when the City Council determines that it is likely that the City will suffer a reduction of more than ten percent (10%) but less than twenty percent (20%) in its water supplies or it has otherwise been requested or directed by an executive order or regulation of a State agency to reduce its potable water consumption or production by a specified amount.
 - (1) All prohibitions and restrictions in § 6-8.26 shall be in effect provided that more restrictive measures noted in this section shall take precedence.
 - (2) Filling or refilling of empty swimming pools shall not occur without the written permission of the City Manager or his/her designee.
 - (3) All customers are prohibited from irrigating turf or ornamental landscapes during and within 48 hours following measurable rainfall.
 - (4) Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
 - (5) All persons, including the City, are prohibited from irrigating with potable water any ornamental turf on public street medians.
 - (6) The use of potable water for irrigation outside of newly constructed homes and buildings shall be consistent with California Building Standards Commission and Department of Housing & Community Development.
- (b) At any time during a Stage 2, if the City Council determines that additional reductions in the amount the potable water being used by water customers are necessary, it may adopt a resolution establishing water use limitations and enforce those water use limitations by the adoption and imposition of a volumetric penalty established therein.

Sec. 6-8.28. Stage 3 water shortage-water supply reduced by more than twenty percent (20%).

- (a) During a Stage 3, the following mandatory restrictions on the use of potable water shall be applicable when the City Council determines that it is likely that the City will suffer a reduction of more than twenty percent (20%) in its water supplies or it has otherwise been requested or directed by executive order or regulation of a State agency to reduce its potable water consumption or production by a specified amount.
- (b) All the prohibitions and restrictions in § 6-8.27 shall be in effect provided that the more restrictive measures noted in this section shall take precedence.

- (c) The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare. Unless written permission has been granted by the City Manager or his/her designee, the use of potable water for construction activities and grading shall be prohibited.
- (d) At any time during a Stage 3, if the City Council determines that additional reductions in the amount the potable water being used by water customers are necessary, it may adopt a resolution establishing water use limitations and enforce those water use limitations by the adoption and imposition of a volumetric penalty established therein.

Sec. 6-8.29. Stage 4 water shortage-emergency.

- (a) The following restrictions on the use of potable water shall be applicable during a Stage 4 water shortage emergency. A water shortage emergency may be declared whenever the City Council finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. A water shortage emergency may include an immediate emergency. An immediate emergency may occur as a result of a breakage or failure of a dam, pump, pipe line or conduit, a major earthquake, large-scale fire, or other so called "Act of God" which may have serious impacts on the City's available water supply.
 - (1) All the prohibitions and restrictions in § 6-8.28 shall be in effect provided that the more restrictive measures noted in this section shall take precedence.
 - (2) Unless otherwise permitted by a resolution of the City Council, there shall be no use of potable water for irrigation of outdoor landscape or turf.
 - (3) Commercial nurseries shall be prohibited from the use of potable water for irrigation of outdoor, landscape and turf except by use of a hand-held hose equipped with a positive shutoff nozzle.
 - (4) The following nonessential uses of water shall be prohibited: the filling, cycling, filtering, or refilling swimming pools, spas, Jacuzzis, fountains or other like devices.
- (b) At any time during a Stage 4, if the City Council determines that additional reductions in the amount the potable water being used by water customers are necessary, it may adopt a resolution establishing water use limitations and enforce those water use limitations by the imposition of a volumetric penalty established therein.

Sec. 6-8.30. Relief from compliance.

- (a) A water customer of the City may file a written application for relief in whole or in part, from the water use restriction provisions of this chapter. The City Manager or his/her designee shall review the request for a variance and take such steps as he or she deems reasonable to resolve the application for relief. The decision of the City Manager shall be final.
- (b) A relief may be granted if the water customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought. No relief shall be granted to any water customer who, when requested by the City Manager, fails to provide any information necessary for resolution of the customer's application for relief.

Sec. 6-8.31. Failure to comply.

- (a) Each and every day that a violation of this chapter occurs or continues to occur shall be considered a new and separate offense. Except for any violation of water use limitations for which a volumetric penalty may be imposed, for each violation of this chapter the following civil penalties may be imposed by issuance of a citation and complaint:
 - (1) First violation. For a first violation, the City shall issue a written warning to the water customer.
 - (2) Second violation. For a second violation, the City shall impose a civil penalty in the amount of One Hundred Dollars (\$100.00).
 - (3) Third violation. For a third violation, the City shall impose a civil penalty in the amount of Two Hundred Dollars (\$200.00).
 - (4) Subsequent Violations. For the fourth and any subsequent violation within one year, the City shall impose a penalty in the amount of Five Hundred Dollars (\$500.00). In addition to the civil penalty, the City may also install a flow restricting device on the service of at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The City shall charge the responsible party the reasonable costs incurred for installing and removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service may be restored.
- (b) Except for any violation of water use limitations for which a volumetric penalty may be imposed, the City shall give notice of a violation to the person committing the violation as follows:
 - (1) For a first violation, if the person committing the violation is a water customer of the City, then notice shall be given in writing by regular mail or personal delivery to the address at which the water customer is normally billed or at the address where the violation occurred. If

the person committing the violation is not a water customer of the City, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party or personally delivered.

- (2) Notice of second or subsequent violations shall be given by the issuance of a citation and complaint in accordance with §§ 6-8.31(c) and (d).
 - (3) Unless an appeal and/or hearing is requested pursuant to the provisions of § 6-8.32, any civil penalty(ies) imposed by the City shall be due and payable within thirty (30) days of the issuance of the citation and complaint.
- (c) Except for any violation of water use limitations for which a volumetric penalty may be imposed, any notice of violation of this chapter shall be issued as a citation and complaint and shall:
- (1) Identify the provision(s) of this chapter and any State law, if applicable, alleged to have been violated; and
 - (2) State that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the person who committed the violation, or the customer or the property owner and/or occupant of the property where the violation occurred; and
 - (3) State a compliance date that must be met by the person who committed the violation, or the customer, or the property owner and/or occupant of the property where the violation occurred; and
 - (4) Order remediation work, where applicable, that must be taken; and
 - (5) State that the recipient has a right to request a hearing and appeal the matter as set forth in § 6-8.32; and
 - (6) Include the address of the affected property and be addressed to the water customer or the property owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the City. If the notice of violation applies to a responsible party who is not the property owner or a water customer, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party or personally delivered; and
 - (7) Be deemed served within ten (10) business days after posting on the property, if the property owner or occupant of the affected property cannot be located after the reasonable efforts of the City Manager or his/her authorized designee.

- (d) Any citation and complaint may be sent by regular mail or personal delivery. Service by regular mail is effective on the date of mailing. Service by personal delivery is effective on the date delivered. The citation and complaint, may include, where deemed applicable by the City Manager or his/her authorized designee, the following terms and conditions.
 - (1) Specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of this chapter; and
 - (2) Any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of this chapter, including, but not limited to, discontinuing or limiting water service with the installation of a flow restricting device.

- (e) Any volumetric penalty imposed shall be:
 - (1) Applicable to all potable water used in excess of the water use limitations as established by separate resolution of the City Council;
 - (2) Collected on the customer's water bill;
 - (3) Due and payable as part of the customer's water bill;
 - (4) The responsibility of the customer of record for the property where the violation occurred; and
 - (5) Paid in addition to the water service fees the City imposes for the potable water delivered to the property where the violation occurred.

- (f) The receipt of a water bill with any applicable volumetric penalty shall serve as notice of violation of the adopted water use limitations as established by resolution of the City Council.

- (g) Any person who wishes to appeal the imposition of a volumetric penalty may do so pursuant to § 6-8.32. Notice of the right to a hearing and to appeal the imposition of a volumetric penalty shall be included in the customer's water bill.

Sec. 6-8.32. Appeal and Hearing regarding violations.

- (a) Any person receiving notice of a violation of this chapter and the imposition of a civil penalty or volumetric penalty, shall have a right to a hearing by the City Manager or his/her authorized designee to appeal the imposition of any civil penalty. Any request for a hearing must be submitted to the City within fifteen (15) days of mailing or other delivery of the citation and complaint or water bill, as applicable. Additional documentation may be requested at the discretion of the City Manager or his/her authorized designee.

- (b) The timely written request for a hearing shall automatically stay installation of flow-restricting device on the premises where the violation occurred and imposition of the civil penalty or volumetric penalty until after the City Manager or his/her designee renders his or her decision.

The hearing shall be held no sooner than thirty (30) days after the issuance of the citation and complaint or water bill, as applicable.

- (c) The decision of the City Manager or his/her designee shall be final and shall be memorialized in a final order. If the appeal is denied, then within ten (10) days after issuance of the final order, the person shall pay any civil penalty(ies) imposed by the City.
- (d) The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the final order.
- (e) Non-payment of any civil penalty or volumetric imposed pursuant to this chapter shall be subject to the same remedies available to the City as for non-payment of basic water service fees.

Sec. 6-8.33 Remedies are not exclusive.

In addition to any other remedies provided in this chapter or available under applicable law, the City may alternatively seek injunctive relief in the Superior Court or take enforcement action, including discontinuing or appropriately limiting water service to any customer, or installing a flow restricting device. All remedies provided herein shall be cumulative and not exclusive.

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. 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 1st day of September 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3027 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 18, 2015 and adopted at the regular meeting held September 1, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3027 duly passed and adopted by the Ontario City Council at their regular meeting held September 1, 2015 and that Summaries of the Ordinance were published on August 26, 2015 and September 8, 2015, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING TO FILE A JOINT APPLICATION BETWEEN CITY OF ONTARIO AND INLAND EMPIRE UTILITIES AGENCY TO THE STATE WATER RESOURCES CONTROL BOARD FOR FUNDING OF RECYCLED WATER INFRASTRUCTURE PROJECTS

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department) authorizing the Inland Empire Utilities Agency and City to submit a joint application to the State Water Resources Control Board (SWRCB) for funding of \$20 million City recycled water infrastructure projects; and authorize the City Manager to execute any subsequent funding agreements consistent with the Memorandum of Understanding.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

FISCAL IMPACT: If the SWRCB funding is awarded, the funds would be used to offset the budgeted City costs (estimated at approximately \$20 million) related to the recycled water projects for Euclid Avenue and Riverside Drive. The Ontario projects could be eligible for up to \$7 million in direct funding and a low interest loan for the \$13 million balance of the project costs (an interest rate of approximately 1% over a 30 year term). IEUA would administer the funding on behalf of the City, in conjunction with other regional recycled water projects. The City would reimburse IEUA approximately 3% (\$180,000) out of the proceeds to administer the funding agreement for the term of the loan.

BACKGROUND: In response to statewide severe drought conditions, on April 1, 2015, Governor Jerry Brown signed an Executive Order requiring all water suppliers in California to reduce potable water use by 25% beginning June 1, 2015 and continuing through February 28, 2016.

Following the Governor's Executive Order, the State Water Resources Control Board (SWRCB) announced the availability of funds from the Water Quality, Supply and Infrastructure Act of 2014

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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(Proposition 1) and authorized low interest financing from the Clean Water State Revolving Fund (SRF) loan program for recycled water infrastructure projects. Below are the initial guidelines for the funding.

- Funding Program – maximum of up to 35% principal forgiveness, (eligible funding for Ontario’s project is up to \$7 million)
- Loan Program – interest rate of ½ General Obligation Bond Rate or as low as 1%, 30 year term

This Memorandum of Understanding will allow the Inland Empire Utilities Agency (IEUA) to submit a joint application to the SWRCB on Ontario’s behalf for both the Proposition 1 funds and SRF loan funds for multiple recycled water infrastructure projects. Below is a brief description of Ontario’s recycled water projects.

- Euclid Avenue Project – construction of 14 miles of recycled water pipeline with an estimated use of approximately 1,200 acre-feet per year. Customers include schools, parks, Town Square, City Hall and others.
- Riverside Drive Project – construction of 4 miles of recycled water pipeline with an estimated use of approximately 1,400 acre-feet per year. Customers include schools, parks, Creekside East/West, Ontario Ranch and others.

If successful in obtaining funding from the SWRCB, the City and IEUA would enter into an Inter-Agency Grant and SRF Loan Management and Reimbursement Agreement.

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES TO COMPLY WITH STATE REGULATIONS FOR REOCCURRING EXCESS WATER USAGE

RECOMMENDATION: That the City Council adopt a resolution establishing water use limitations and volumetric penalties to comply with State regulations for reoccurring excess water usage.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

FISCAL IMPACT: The proposed resolution establishes water use limitations and volumetric penalties intended to deter and prevent the unreasonable use or waste of the City's valuable water resources. The penalties would go into effect after two billing cycles following adoption of the resolution. Penalties will be applicable when potable water usage, in a water billing cycle, exceeds an applicable water use limitation. The proposed penalty amounts are \$0.50 and \$1.00 per unit of potable water, where one (1) unit of water is equal to one hundred cubic feet or 748 gallons of water. The amount the City would collect in penalties will depend on the level of compliance achieved by the community (or "the number and volume of violations"). The resulting penalties would be used to offset the costs of the City's water conservation and regulatory programs.

BACKGROUND: Pursuant to California Water Code Section 375 et seq., and in accordance with the City's Water Conservation Plan, the City must adopt and enforce a water conservation program to reduce the quantity of water used by resolution.

On May 5, 2015, the City Council declared a water shortage and approved implementation of Stage 2 of the City's Municipal Code Water Conservation Plan (as described in section 6-8.27 of Ontario's Municipal Code, Chapter 8A), consistent with the State Water Resources Control Board (SWRCB) Emergency Water Conservation Regulations approved in March 2015.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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On May 18, 2015, the SWRCB approved additional Emergency Water Conservation regulations. The most significant of these additional regulations was the removal of the requirement to limit the number of days that outdoor irrigation is allowed and replacing it with a specific water use reduction requirement. The City’s water use reduction requirement is 24%.

Any time after the first two full billing cycles after adoption of this resolution, penalties shall be implemented until such time that the SWRCB’s water use reduction mandate has been lifted. Penalties would be applied based on volumetric potable water use if the following restrictions are not met:

- 1) Residential (single family) customers shall achieve a 24% reduction in potable water use or use 15 units or less, per billing cycle.

Table 1. Residential (single family) Volumetric Penalty Structure

| Volumetric Use (Unit = CCFs) | 0-15 | Between 76% & 99% of Previous Year | 100% or Greater of Previous Year | New Accounts 16-30 | New Accounts Above 30 |
|------------------------------|------|------------------------------------|----------------------------------|--------------------|-----------------------|
| Penalty (\$/unit) | N/A | \$0.50 | \$1.00 | \$0.50 | \$1.00 |

- 2) Commercial, industrial and institutional customers with an irrigation meter shall reduce total potable outdoor irrigation by a minimum of 50% per billing cycle. This is anticipated to achieve approximately a 24% reduction in total (indoor/outdoor) water usage with less impact to business operations.

Table 2. Irrigation Volumetric Penalty Structure

| Volumetric Use (Unit = CCFs) | Between 50% & 99% of Previous Year | 100% or Greater of Previous Year |
|------------------------------|------------------------------------|----------------------------------|
| Penalty (\$/unit) | \$0.50 | \$1.00 |

Pursuant to § 6-8.30 – 6-8.33 of Chapter 8A, of Title 6 of the Ontario Municipal Code, any person may file a written application for relief from these penalties. The City Manager or his/her designee may grant relief if they deem maximum practical reduction in water consumption was achieved.

To assist residents and businesses in complying with these water restrictions, the utility bill will now include a bar chart indicating usage history and percentage reduction targets per billing cycle, water saving tips and penalties, as applicable. There is a Water Waste Form available on the My Ontario App and City website where customers can report water waste incidents. The City has available to its residents and businesses water saving rebate programs, free landscape workshops and free classroom education materials; which can be found on the City’s website under Municipal Utility Company at www.OntarioWaterWise.org.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES FOR REOCCURRING EXCESS USAGE TO COMPLY WITH STATE REGULATIONS PURSUANT TO CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

WHEREAS, on January 17, 2014, Governor Jerry Brown issued a drought state of emergency declaration in response to record-low water levels in California's rivers and reservoirs as well as an abnormally small snowpack; and

WHEREAS, on April 25, 2014, and April 1, 2015, Governor Brown issued subsequent emergency proclamations calling for the implementation of water reduction plans to reduce potable water usage and directing the adoption of emergency regulations by the State Water Resources Control Board ("SWRCB") relating to water conservation; and

WHEREAS, pursuant to emergency regulations adopted by the SWRCB, urban water suppliers must achieve assigned water savings targets that collectively would result in a 25 percent reduction in potable urban water production across the state; and

WHEREAS, the emergency regulations include a tiering framework designed to place the greatest conservation demands on those agencies with the highest residential gallons per capita/per day water usage based on three months of summer residential gallons per capita/per day water usage data (July through September of 2014); and

WHEREAS, the City of Ontario (the "City") was assigned a potable water reduction level of 24 percent; and

WHEREAS, pursuant to Water Code section 377, the City may, by resolution or ordinance, make the violation of a water conservation program enacted by its City Council subject to a volumetric penalty; and

WHEREAS, to secure compliance with the rules and regulations established during water shortage stages and emergencies, and assure important public policy objectives are achieved for the reduction of water usage during water shortages and emergencies, the City is authorized to impose volumetric penalties during water shortage stages and emergencies when the City Council deems it appropriate under the circumstances or as a result of executive action, emergency legislation or other actions of the State; and

WHEREAS, the City Council hereby finds and determines that it is desirable to establish regulations governing water use limitations and volumetric penalties to be imposed by the City during a declared Stage 2, 3, or 4 water shortage, which limitations and volumetric penalties shall govern the actions of persons using and consuming water

within the City for the purpose of conserving and protecting the City's water supplies, deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources, and reducing water consumption in accordance with the declared policies and laws of the City and the State of California.

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

SECTION 1. The City Council hereby finds and determines that the forgoing recitals are true and correct and are hereby incorporated and adopted as findings and determinations of the City Council as if fully set forth herein.

SECTION 2. The following water use limitations shall apply during a Stage 2, 3, or 4 water shortage declared by the City Council pursuant to Chapter 8A, of Title 6 of the Ontario Municipal Code:

- (a) All single-family residential customers shall be prohibited from using potable water in excess of their residential water monthly shortage limit. For purposes of this Resolution, "residential monthly water shortage limit" means: (1) the amount of water the customer used for the billing cycle in the same month, or months if the billing cycle included more than one month, in 2014, less twenty-four percent (24%); or (2) fifteen (15) units or less of potable water per billing cycle. Any single-family residential customer who did not have any water usage in the billing cycle in the same month or months in 2014 (herein a "new customer"), shall have a residential monthly water shortage limit of fifteen (15) units or less of potable water per billing cycle. For purposes of this Resolution, one (1) unit of water is equal to one hundred cubic feet or 748 gallons of water.
- (b) All commercial, industrial and institutional customers with an irrigation meter shall be prohibited from using potable water for outdoor irrigation in excess of their commercial, industrial and institutional monthly water shortage limit. For purposes of this Resolution, "commercial, industrial and institutional monthly water shortage limit" means the amount of water the customer used the same month, or months if the billing cycle included more than one month, in 2014 for outdoor irrigation, less fifty percent (50%). Commercial, industrial and institutional customers with an irrigation meter who did not have any water usage in the same billing period in the same month or months in 2014 shall not be subject to these water use limitations.

SECTION 3. The violation of Section 2(a) or 2(b) of this Resolution shall be subject to the imposition of the volumetric penalties as set forth in Section 4 of this Resolution, if, based on the water usage data of the City's water customers, the City has not achieved the water use reduction level mandated by the SWRCB.

SECTION 4. The following volumetric penalties are hereby adopted:

(a) Any single-family residential customer who fails to comply with his/her residential monthly water shortage limit shall be subject to a volumetric penalty for each unit of water, or portion thereof, used in excess of his/her residential monthly water shortage limit. The amount of the volumetric penalty shall be as set forth in Table 1 below.

Table 1. Residential Volumetric Penalty

| Volumetric Use | 0-15 Units | Above 76% of Previous Year | Above 100% of Previous Year | New Accounts 16-30 Units | New Accounts Above 30 Units |
|-------------------|------------|----------------------------|-----------------------------|--------------------------|-----------------------------|
| Penalty (\$/unit) | N/A | \$0.50 | \$1.00 | \$0.50 | \$1.00 |

(b) Any commercial, industrial or institutional customer who fails to comply with its commercial, industrial and institutional monthly water shortage limit shall be subject to a volumetric penalty for each unit of water, or portion thereof, used in excess of its commercial, industrial and institutional monthly water shortage limit. The amount of the volumetric penalty shall be as set forth in Table 2 below.

Table 2. Commercial/Industrial/Institutional Irrigation Volumetric Penalty

| Volumetric Use | Above 50% of Previous Year | Above 100% of Previous Year | New Account |
|-------------------|----------------------------|-----------------------------|-------------|
| Penalty (\$/unit) | \$0.50 | \$1.00 | \$0.00 |

(c) After adoption of this resolution, prior to imposing any volumetric penalty authorized herein, the City shall include in each residential, commercial, industrial and institutional customer's billing statement, a notice that includes the following:

- (i) a description of the water use limitations set forth in this Resolution;
- (ii) a description of the volumetric penalties that may be imposed on any customer who does not comply with any mandatory water use limitations set forth in this Resolution; and
- (iii) a reference to the City's website or alternative location or format that may be accessed for information regarding the forgoing.

(d) Any time after the first two full billing cycles, after adoption of this resolution, penalties shall be implemented until such time that the SWRCB's water use reduction mandate has been lifted.

(e) Any volumetric penalty imposed on any residential or commercial, industrial or institutional customer pursuant to this Resolution shall be:

- (i) applicable to all potable water used in excess of the customer's residential monthly water shortage limit or the commercial, industrial or institutional customer's commercial, industrial and institutional monthly water shortage limit pursuant to Section 2(b), as applicable;
- (ii) collected on the customer's water bill;
- (iii) due and payable as part of the customer's water bill;
- (iv) the responsibility of the customer of record for the property where the violation occurred; and
- (vi) paid in addition to the water service fees the City imposes for the potable water delivered to the property where the violation occurred.

(f) The receipt of a water bill with any applicable volumetric penalty shall serve as notice of violation of the provisions of the Resolution.

(g) Any person who wishes to appeal the imposition of a volumetric penalty and gain relief from compliance may do so pursuant to § 6-8.30 – 6-8.33 of Chapter 8A, of Title 6 of the Ontario Municipal Code. Notice of the right to appeal the imposition of a volumetric penalty shall be included in the customer's water bill.

SECTION 5. The water use limitations and volumetric penalties established by this Resolution shall remain in effect until such time that the SWRCB's water use reduction mandate has been lifted, unless otherwise terminated by the City Council by a separate resolution.

SECTION 6. If any section, subsection, subdivision, sentence, clause, or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. This Resolution shall become effective immediately upon its adoption by the City Council.

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

PASSED, APPROVED, AND ADOPTED this 1st day of September 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 1, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held September 1, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO, CALIFORNIA AND HOLT MELROSE, LLC.

RECOMMENDATION: That the City Council conduct a public hearing to consider the sale of City-owned property; and adopt a resolution approving a Disposition and Development Agreement (“Agreement”) between the City of Ontario (“City”) and Holt Melrose, LLC (“Developer”) of Newport Beach, California (on file with the Records Management Department); and authorize the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project for the redevelopment of the 600 block of East Holt Boulevard.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport Operate in a Businesslike Manner

FISCAL IMPACT: The City will convey approximately 2.76 acres of real property located at 612 East Holt Boulevard and 115 South Pleasant Avenue for a purchase price of \$584,000, subject to the terms and conditions precedent to the close of escrow as contained in the Agreement.

BACKGROUND: As majority property owner of the 3.96 acre block bounded by Holt Boulevard, Emporia Street, Melrose Avenue, and Pleasant Avenue, the City has made numerous attempts over the last several years to redevelop the vacant City-owned parcels within the block. The property is located along the East Holt Boulevard Corridor, and is designated for commercial and general industrial development. AutoZone Development controls the remainder of the block and is currently proposing to develop a retail auto parts store on the southeast corner of Holt Boulevard and Pleasant Avenue. City staff considers this an opportune time to work in conjunction with the Manager Members of Holt Melrose, LLC, Brent Ogden and Cody Small, and by extension AutoZone, to redevelop the entire block

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development Agency

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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into a significant in-fill development project sure to produce desired synergy within the surrounding area.

The Developer is proposing to construct a three thousand to seven thousand (3,000-7,000) square foot fast food restaurant, including a drive thru, or a three thousand to seven thousand (3,000-7,000) square foot restaurant and retail project, including a drive thru, operated by a City-approved tenant. Developer is also building an approximately twenty-eight thousand three-hundred sixty (28,360) square foot light industrial building to the rear of the subject block. The Developer will also be required to build all associated on-site improvements, including but not limited to all hardscape and landscaping.

The proposed project will provide for the redevelopment of a long-vacant public site to a higher and better use, generate property and sales tax, produce new jobs (both permanent and temporary), and stimulate additional development within the area.

The project is categorically exempt from the requirement of the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 (Class 23 – In-Fill Development) of the CEQA Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND HOLT MELROSE, LLC, FOR PROPERTY GENERALLY LOCATED AT 612 EAST HOLT BOULEVARD AND 115 SOUTH PLEASANT AVENUE (APN: 1049-092-11, 12 AND 13).

WHEREAS, the City of Ontario ("City") is the owner of certain real property generally located at 612 East Holt Boulevard and 115 South Pleasant Avenue (APN's 1049-092-11, 12 and 13) in the City of Ontario, County of San Bernardino, State of California ("Property"); and

WHEREAS, the Property consists of approximately 120,226 square feet of commercially and industrially zoned land, including, all minerals, oil and gas located on or beneath such land, and all other rights, privileges, entitlements, governmental permits, approvals and licenses, and other intangible property relating to or running with such land (the "Development Property"), specifically described in Exhibit "A" to the Disposition and Development Agreement ("Agreement"); and

WHEREAS, the City wishes to sell the Development Property to Holt Melrose, LLC, a California limited liability company ("Developer"), and Developer wishes to purchase the Development Property; and

WHEREAS, Developer desires to redevelop the Development Property as an approximately 3,000-7000 square foot retail/commercial building along with an approximately 28,360 square foot industrial building more particularly described in the Agreement ("Project"); and

WHEREAS, the construction of the Project will allow the Property to be utilized in a manner that benefits and serves the needs of the community; and

WHEREAS, for the purpose of transferring the Property to Developer and setting forth the terms and conditions by which Developer will construction the Project on the Development Property, Developer and City have negotiated the Agreement (Holt Melrose, LLC); and

WHEREAS, the City previously adopted Resolution No. 2015-086, pursuant to California Government Code Sections 37420 through 37430, which authorizes alternative methods for the City to sell the Property, in which the City Council, among other things, set forth its findings and intention to sell the Property and set September 1, 2015 at 6:30 pm, or as soon thereafter as the matter can be hear, as the date and time for holding a public hearing to hear protests to the sale; and

WHEREAS, having complied with the procedures set forth in California Government Code sections 37420 et. seq. by noticing and holding the public hearing to hear any protests, the City now desires to proceed with the sale of the Property to Developer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The City has determined that the project is an In-Fill Development and categorically exempt under Class 32, Section 15332 of the California Environmental Quality Act. The City Council of the City hereby directs City staff to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of the adoption of this Resolution.

SECTION 3. Protests to the Sale. Having heard any and all protests received in writing or orally at the public hearing, the City Council overrules any protests received and finds that public convenience and necessity require the sale of the Property pursuant to the Agreement. The sale of the Property is in the best interest of the City and the community as the development of the Property will provide for the redevelopment of a public site to a higher and better use, will generate economic growth through new jobs, both permanent and temporary, and stimulate additional development and job growth in the area.

SECTION 4. Approval of the Agreement. The City Council approves the disposition of the Property, including the Development Property, pursuant to the Agreement and directs and authorizes the City Manager to execute all documents and take all actions necessary to effectuate the intent of this Resolution.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that the Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

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

SECTION 7. Effective Date. This Resolution shall take effect immediately

PASSED, APPROVED, AND ADOPTED this 1st day of September 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 1, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held September 1, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 1, 2015

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT PROPOSING A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE

RECOMMENDATION: That the City Council conduct a public hearing to consider the adoption of a resolution approving an Addendum to The Ontario Plan Environmental Impact Report, analyzing the environmental effects of the Project pursuant to Section 15164 of the California Environmental Quality Act Guidelines; and, introduce and waive further reading of an ordinance amending Title 9 (Development Code) of the Ontario Municipal Code, and repealing various provisions of the Ontario Municipal Code, including: Title 4, Chapter 13 (Parking on Unpaved Surfaces); Title 5, Chapter 22 (Property Appearance – Nuisance); Title 6, Chapter 1 (Animals and Fowl); and Title 6, Chapter 2 (Fish Meal Storage and Handling).

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;
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities; and

FISCAL IMPACT: None

BACKGROUND: Following adoption of The Ontario Plan (“TOP”), the Planning Department began a major update to the City’s Development Code. Rather than piecemealing necessary changes into the

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/01/2015

Approved: _____

Continued to: _____

Denied: _____

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existing Development Code, staff took a more holistic approach, systematically considering the current Development Code and related Municipal Code provisions, recent changes in Federal and State laws, and necessary changes to the Development Code resulting from the adoption of TOP. This holistic approach to the Development Code update ensures:

- Consistency with The Ontario Plan;
- The elimination of outdated Municipal Code and Development Code provisions;
- The elimination of duplicate Municipal Code and Development Code provisions;
- Internal consistency throughout the Development Code document; and
- External consistency with Federal, State, County, and City laws, codes, and ordinances.

The amended Development Code will be established as an independent document, which will be maintained by the Planning Department much like specific plans. The amended Development code will be adopted by reference as Title 9 (Development Code) of the Municipal Code in the same manner that the City's Building and Fire Codes have been adopted. This approach allows the Planning Department much more flexibility in the organization and content of the document and, ultimately, will allow the Development Code to be assimilated into a web-based document, functioning similar to TOP.

The resulting updated Development Code has been arranged into nine chapters, which are further subdivided into separate divisions, based upon common subject matter, processes, and procedures (see Exhibit A: Development Code Outline). Additionally, the updated Development Code contains reference documents provided to assist City staff, property owners, business owners, developers, and design professionals, in understanding and implementing the City's goals, policies and objectives. The reference documents will be adopted by Resolution of the City Council, making it easier to apply future changes to the documents. The reference documents include the following:

- Style and Format Principles (Reference A): Provided to ensure consistency in the terminology, phrasing, numbering, formatting, and references and citations used in preparing the Development Code, and future revisions to the document. It also establishes conventions for capitalizations, and the use of hyphens, commas, colons and semicolons.
- Architectural Styles (Reference B): Provided to describe the common features associated with the recognized architectural styles used in building design.
- Downtown Ontario Design Guidelines (Reference C): Adopted by City Council Resolution in 1998, provides architecture, sign, and lighting design principles to be implemented within the area bordered by I Street on the north, Sultana Avenue on the east, Emporia Avenue on the south, and Vine Avenue on the west.
- Residential, Commercial, and Industrial Design Guidelines (References D through F): Establishes design guidelines for projects located within the residential, commercial, mixed-use, and industrial zoning districts, by providing examples of design solutions, as well as design interpretations, of the mandatory development regulations.
- Landscape Design and Construction Guidelines (Reference G): Provides guidance on the planning, design, construction, and maintenance of landscaping and irrigation systems, including

examples for meeting landscape water efficiency requirements, and design solutions and interpretations of the mandatory landscape and irrigation regulations.

- Community Climate Action Plan (Reference H): Adopted in December 2014, establishes Green House Gas emissions reduction goals and plan for the City of Ontario.

Staff is proposing numerous changes to the Development Code provisions, which are described in Exhibit B (Summary of Significant Development Code Changes) and Exhibit C (Proposed Land Use Changes) of this report. The proposed Development Code, in its entirety, is included with this staff report. Deletions to the document are shown in redlined (~~XXXXXX~~) text and additions are shown in double underlined (XXXXXX) text.

On June 23, 2015, the Planning Commission conducted a public hearing on the proposed Addendum to TOP Environmental Impact Report (EIR) and Development Code Amendment. Following the public hearing, the Planning Commission voted unanimously (7-0) to recommend that the City Council approve the Addendum to the EIR and the Development Code Amendment.

CONSISTENCY WITH THE ONTARIO PLAN: Government Code Section 65860 requires that zoning ordinances must be consistent with the General Plan of the City (Policy Plan component of The Ontario Plan). A zoning ordinance is consistent with the Policy Plan if, upon consideration of all of its aspects, it is found to further the purposes, principals, goals and policies of the Plan. The Planning Commission staff report, dated June 23, 2015, (attached hereto and incorporated by this reference) contains a complete listing of the principles, goals and policies of TOP that would be furthered by approval of the proposed Development Code update.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The proposed Development Code Amendment affects properties 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 environmental impacts of the proposed comprehensive Development Code update were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearing House No. 2008101140), which was certified by the Ontario City Council on January 27, 2010 (Resolution No. 2010-003). The Addendum finds that the subject application will not introduce any new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures are a condition of project approval and are incorporated by reference.

EXHIBIT A:
DEVELOPMENT CODE OUTLINE

CHAPTER 1.0: DEVELOPMENT CODE ENACTMENT AND GENERAL PROVISIONS

Division 1.01—Development Code Enactment, Consistency and Severability

Division 1.02—Development Code Interpretation and Enforcement

CHAPTER 2.0: ADMINISTRATION AND PROCEDURES

Division 2.01—Planning Agency

Division 2.02—Application Filing and Processing

Division 2.03—Public Hearings

Division 2.04—Appeals

Division 2.05—City Initiated Modification or Revocation

Division 2.06—Performance Guarantees

CHAPTER 3.0: NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS

Division 3.01—Nonconforming Lots, Land Uses, and Structures

Division 3.02—Nonconforming Signs

CHAPTER 4.0: PERMITS, ACTIONS, AND DECISIONS

Division 4.01—Legislative Actions

Division 4.02—Discretionary Permits and Actions

Division 4.03—Ministerial (Administrative) Permits and Decisions

CHAPTER 5.0: ZONING AND LAND USE

Division 5.01—General Zoning Provisions

Division 5.02—General Land Use Provisions

Division 5.03—Standards for Certain Land Uses, Activities, and Facilities

CHAPTER 6.0: DEVELOPMENT AND SUBDIVISION REGULATIONS

Division 6.01—District Standards and Guidelines

Division 6.02—Walls, Fences and Obstructions

Division 6.03—Off-Street Parking and Loading

Division 6.04—Congestion Management and Trip Reduction

Division 6.05—Landscaping

Division 6.06—Street Naming and Address Numbering

Division 6.07—Public Art

Division 6.08—Subdivisions

Division 6.09—Climate Action Plan and Sustainable Development Practices

Division 6.10—Property Appearance and Maintenance

Division 6.11—Shopping Cart Retention and Storage

Division 6.12—Planning for the Zombie Apocalypse (and Other Pandemics)

CHAPTER 7.0: HISTORIC PRESERVATION

Division 7.01—Historic Preservation

CHAPTER 8.0: SIGN REGULATIONS

Division 8.01—Sign Regulations

CHAPTER 9.0: DEFINITIONS AND GLOSSARY

Division 9.01—Definitions

Division 9.02—Glossary

REFERENCES

Reference “A”—Style and Format Principles

Reference “B”—Architectural Styles

Reference “C”—Downtown Ontario Design Guidelines

Reference “D”—Residential Design Guidelines

Reference “E”—Commercial Design Guidelines

Reference “F”—Industrial Design Guidelines

Reference “G”—Landscape Design Guidelines

EXHIBIT B:

SUMMARY OF SIGNIFICANT DEVELOPMENT CODE CHANGES

Chapter 1: Development Code Enactment and General Provisions

Division 1.01—Development Code Enactment, Consistency and Severability

- 1) Section 1.01.005 (Purpose) — Establishes the purposes of the Development Code.

- 2) Subsection 1.01.015.H (Effect of Development Code Changes on Projects in Process) —
 - A project (legislative action, discretionary action/permit, or ministerial action/permit) shall be subject to the Development Code regulations in effect on the date that it is approved.
 - A Building Permit shall be subject to the Development Code Requirements in effect on the day that the application is submitted, and all required fees are paid (including development impact fees).

- 3) Section 1.01.020 (Consistency with the Ontario International Airport Land Use Compatibility Plan) — Land uses, development projects, and subdivision of land must be consistent with the requirements of the ALUCP. In the event of any conflict between the requirements of the Development Code and ALUCP, the requirements of the ALUCP shall govern.

- 4) Section 1.01.025 (Consistency with The Ontario Plan) — All land uses, developments, and subdivisions of land, shall be consistent with The Ontario Plan, Policy Plan, goals, policies, and land uses.

- 5) Sections 1.01.030 through 1.01.050 (Relationship to Area Plans, Specific Plans, Planned Unit Developments, Development Agreements, and Master Plans) —
 - In the event of any conflict between the requirements of the Development Code and the requirements of an adopted Area Plan, Specific Plan, Planned Unit Development, Development Agreement, or Master Plan, the Area Plan, Specific Plan, Planned Unit Development, Development Agreement, or Master Plan will prevail.
 - Wherein the provisions of a Specific Plan are silent on a specific matter, the regulations of the Development Code shall apply.

Division 1.02—Development Code Interpretation and Enforcement

- 1) Section 1.02.010.F (Clarifying and Interpretive Materials) —
 - The Zoning Administrator may incorporate photographs and other graphic materials within the Development Code for the purpose of clarifying its provisions.

- Any interpretive materials included in the Development Code, which are affected by a Development Code Amendment, must be immediately removed.

2) Section 1.02.010.F (Establishment of Operational Performance Standards) — In making a land use determination, the Zoning Administrator may impose safeguards and operational standards to ensure that the purposes of the Development Code or applicable specific plan are maintained, and the public health, safety and welfare is protected.

Chapter 2: Administration and Procedures

Division 2.01—Planning Agency

1) 2.01.000 (Purpose) — Establishes the purpose of the Division and describes the authority in State law for the establishment of a Planning Agency.

2) 2.01.005 (Applicability) — Establishes the City Council, Planning Commission, Historic Preservation Commission, Historic Preservation Commission, Historic Preservation Subcommittee, Development Advisory Board, Zoning Administrator, and Planning Department, as the Planning Agency.

Division 2.02—Application Filing and Processing

1) Section 2.02.015 (Application Processing Procedures) — Provides general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial permits and decisions, consistent with State law and the City's current procedures.

2) Subsection 2.02.020.A (Purpose) — Establishes the purpose of the Section and outlines the basic objectives of the California Environmental Quality Act and environmental review.

3) Paragraph 2.02.025.A.7 (Phased Projects) — Establishes time limits for projects constructed in multiple phases, over a long period of time, when not specified by the conditions of approval:

- The entitlement applicable to a particular phase is deemed exercised through the issuance of a building permit for that phase.

- Remaining phases (for which no Building Permits have been issued) expire 12 months following **[i]** Building Permit expiration, **[ii]** final building inspection, or **[iii]** C of O issuance for the previous phase, unless a time extension is issued granted.

4) Subsection 2.02.025.B (Time Extensions) — Adds provisions that more clearly define the approval process for time extensions.

5) Paragraph 2.02.025.B.2 (Blanket Time Extensions Granted By the City Council) — Clarifies the procedures under which a Blanket Time Extension may be approved by the City Council, and the conditions under which it may be initiated.

6) Section 2.02.030 (Failure by Applicant to Complete Application Processing) — Establishes a procedure by which the Planning Director can deem an application withdrawn due to inaction on the part of the project applicant (no action on the project for a period of 180 or days).

- Requires written notification to the applicant by the Planning Director.
- All or a portion of unused filing fees would be refunded upon written request by the applicant.

7) 2.02.040 (Indemnification) — Establishes indemnification provisions for all project approvals (reflects the standard conditions of approval currently imposed on discretionary actions).

Division 2.03—Public Hearings

1) Section 2.03.000 (Purpose) — Establishes the purpose of the Division and the authority under state law for conducting public hearings and establishing procedures.

2) Section 2.03.025 (Failure to Receive a Public Notice) — Added per State law, which provides that failure to receive a public hearing notice does not constitute grounds for any court to invalidate an approval.

3) Section 2.03.030 (Cemeteries) — Added per State law, which requires that the City mail and publish public hearing notices for any entitlement within any part of a cemetery, which is proposed for other than cemetery purposes.

Division 2.04—Appeals

1) Sections 2.04.000 (Purpose) and 2.04.005 (Applicability) — Establishes the authority under state law for conducting appeals and establishing procedures.

Division 2.05—City Initiated Modification or Revocation

1) Section 2.05.000 (Purpose) — Establishes the purpose of the Division, including **[i]** procedures for securing disciplinary or punitive modification or revocation of a previously granted Conditional Use Permit, Certificate of Appropriateness, or Certificate of Economic Hardship; and **[ii]** establishes procedures for the revocation of Conditional Use Permits when a previously granted land use has been abandoned.

2) Section 2.05.005 (Applicability) — Establishes the causes of action under which an application may be modified (including additions, deletions or modifications to the conditions of approval) or revoked.

3) Section 2.05.010 (Procedures for Disciplinary or Punitive Modification or Revocation) — Procedures have been revised to clarify the responsible authority for determining whether grounds exist to initiate a modification or revision.

4) Section 2.05.015 (Procedures for Conditional Use Permit Revocation Due to Abandonment of Use) — Establishes procedures for the revocation of Conditional Use Permits due to abandonment of use.

Division 2.06—Performance Guarantees

1) The Division establishes procedures by which the Approving Authority of discretionary or ministerial permit can require, by conditions of approval, that surety be provided guaranteeing the completion of any approved work, compliance with conditions of approval, on-going maintenance, etc.

Chapter 3.0: Nonconforming Lots, Land Uses, Structures, and Signs

Division 3.01—Nonconforming Lots, Land Uses, and Structures

1) Subsection 3.01.015.A (Discontinuance and Abandonment of Use, and Loss of Legal Nonconforming Status) —

- A nonconforming land use is determined to be abandoned if discontinued for a single period of more than **180 days**. An additional 180-day extension may be by the Zoning Administrator (per Section 4.02.030 (Extensions of Legal Nonconforming Status)).

- When the determination of abandonment is in question for nonresidential uses, the determination is to be based upon satisfactory evidence, such as business receipts, records, or necessary licenses. If these are not available, determination may be based upon consideration of **[i]** the removal, without replacement, of equipment, furniture, machinery, fixtures, structures, or other components necessary to business operation, and/or **[ii]** the disconnect of utilities (water, electricity, and/or natural gas).

2) Subsection 3.01.020.I (Alteration and/or Expansion of a Nonconforming Multiple-Family Residential Structure) — The alteration of a nonconforming multiple-family residential land use or structure may be allowed provided there is no net increase in floor area. In granting an alteration, each of the following findings must be clearly established:

- The alteration is not for the purpose of increasing the number of living units on the project site;
 - The alteration will benefit the health, safety, and welfare of the building's occupants;
 - The alteration is architecturally compatible with the existing building;
 - The alteration is compatible with the character of the surrounding area;
- and
- The alteration will provide adequate parking pursuant to the City's off-street parking provisions, and will not displace existing parking facilities.

3) Subsection 3.01.020.J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) — Nonconforming nonresidential land uses may be granted a **one-time 15 percent expansion** in area, subject to the granting of a Conditional Use Permit. In granting a Conditional Use Permit, the following findings must be clearly established:

- The alteration/expansion will protect a valuable property investment;
- The alteration/expansion and the proposed use will not adversely affect or be materially detrimental to surrounding properties;
- The alteration/expansion will allow for modernization in order to properly operate the use and protect valuable property rights;
- The alteration/expansion is architecturally compatible with the existing building;
- The alteration/expansion is compatible with the character of the surrounding area; and
- The alteration/expansion will provide adequate parking pursuant to the City's off-street parking provisions, and will not displace existing parking facilities.

Division 3.02—Nonconforming Signs

1) Section 3.02.020 (Amortization and Abatement of Nonconforming Signs) —

- A legal nonconforming sign must be removed or made to meet the current sign requirements within the following timeframes:
 - Billboard Signs (except signs allowed by billboard relocation agreement): 10 years
 - Pole Signs: 10 Years
 - Painted Signs (except historic signs): 5 years
- Following the enactment of this Section, the City shall create an inventory of nonconforming signs within the City. Upon completion of the inventory, the City may begin abatement of all identified nonconforming signs.

Chapter 4: Permits, Actions, and Decisions

Division 4.01—Legislative Actions

- 1) Section 4.01.010 (Airport Land Use Compatibility Plan (ALUCP) and Amendments) — Establishes procedures for adopting, amending, supplementing, or changing the Los Angeles/Ontario International Airport Land Use Compatibility Plan (required by State law).
- 2) Section 4.01.015 (Development Agreements) — Establishes procedures for adopting, amending, supplementing, or changing Development Agreements (required by State law).
- 3) Section 4.01.020 (Development Code Amendments) — Establishes procedures for amending, supplementing, or changing the Development Code (required by State law).
- 4) Section 4.01.025 (Amendments to the Policy Plan Component of The Ontario Plan (General Plan Amendments)) — Establishes procedures for amending, supplementing, or changing the Policy Plan (required by State law).
- 5) Section 4.01.030 (Planned Unit Developments (PUD) and Amendments) — Establishes procedures for adopting, amending, supplementing, or changing PUDs.
- 6) Section 4.01.035 (Specific Plans and Amendments) — Establishes procedures for adopting, amending, supplementing, or changing Specific Plans (required by State law).
- 7) Section 4.01.040 (Zone Changes) — Establishes procedures for amending or changing the zoning boundaries or zoning classification (Zone Change) of property within the City (required by State law).

Division 4.02—Discretionary Permits and Actions

- 1) Section 4.02.000 (Purpose) — Establishes the purposes of the Division — procedures for the consideration of discretionary permits or actions (requires exercise of judgment or deliberation when making a decision).
- 2) Section 4.02.005 (Applicability) — Establishes under what circumstances the Division is to be applied.
- 3) Section 4.02.015 (Conditional Use Permits) —
 - Clarifies the current procedures for adopting, amending, supplementing, or changing Conditional Use Permits.

- Adds provisions allowing for the voluntary surrender of a Conditional Use Permit by a property owner:

- Property owner request is made in writing.
- Public hearing notices are distributed pursuant to State law, which state that a hearing will be conducted at a specified time and date if requested by the public.
- If no public hearing is requested, the Approving Authority may decide on the matter without a public hearing.

4) Section 4.02.020 (Departures from Development Standards (Administrative Exceptions, Minor Variances, and Variances)) —

- Revises current procedures for the granting of Administrative Exceptions and Variances, and establishes new Minor Variance application and procedures.

- The Zoning Administrator may grant an **Administrative Exception** allowing up to 10 percent reduction from minimum setback and separation requirements (except nonresidential setback requirements from property lines common with and residential zone), when the exception would result in superior site, landscape, or architectural design features that could not otherwise be incorporated into a development project under the strict application of the development standards.

- **Administrative Exceptions** cannot be approved for reductions in minimum lot size, lot dimensions, landscape coverage, or parking requirements, or for an increase in maximum density, floor area ratio, or the height of a structure.

- The Zoning Administrator may grant a **Minor Variance** allowing up to 25 percent reduction in minimum setback and separation requirements (except nonresidential setback requirements from property lines common with any residential zone), when the Minor Variance would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of the development regulations.

- **Minor Variances** are determined to have a lesser measure of impact than Variances due to the limited measure of adjustment allowed; therefore, requiring a modified review process.

- The Planning Commission may grant a **Variance** (except homeowner variances, which are subject to Zoning Administrator action) allowing deviation from any numerical development standard with respect to minimum and/or maximum dimension, area, mass, and quantity (except that increases in maximum density or floor area ratio cannot be granted).

5) Section 4.02.025 (Development Plans) —

- The list of projects subject to Development Plan review has been revised to include the following:

- The development of a vacant lot within a nonresidential zoning district;

- A change in the architectural integrity of an existing nonresidential building;
- Conversion of gasoline service stations to facilitate occupancy by another allowed land use;
- The addition of dwellings to multiple-family projects when the addition would result in 3 or more dwellings on a single lot;
- The expansion of parking or loading areas for commercial developments, by more than 7,500 SF; and
- The expansion of parking or loading areas for industrial developments, by more than 15,000 SF.

▪ Procedures for the modification or revision of an approved Development Plan have been clarified:

- Modifications/revisions that are minor in nature may be processed administratively. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plans or the conditions of approval.
- Modifications/revisions that, in the opinion of the Planning Director, are not minor in nature, shall be processed following the procedures for Development Plan approval.

6) Section 4.02.030 (Extensions of Legal Nonconforming Status) —

- Clarifies current procedures whereby the date that a legal nonconforming use would lose its legal nonconforming status may be extended to allow additional time to complete the sale of the property or structure, secure tenants, and/or obtain necessary permits or the completion of required improvements.
- Application submittal automatically extends the legal nonconforming status of a land use or structure for an initial period of 60 days to allow for the processing of the request. The Zoning Administrator may then approve an additional 120-day extension.
- If due to unforeseen circumstances an owner is unable to complete the sale of a property, secure necessary tenants, and/or obtain necessary permits and complete required improvements within the 180-day period, the Approving Authority may grant additional extensions, not to exceed a total of one-year.

7) Subsection 4.02.050.H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) — Addition of provisions allowing for waiver of the requirement for construction of a replacement structure in conjunction with the demolition of a Tier III Historic Resource located within an industrial zoning district.

8) Subsection 4.02.050.I (Infill Development Guidelines) — Addition of provisions to the Historic Preservation Infill Development Guidelines, which clarify that:

- All new buildings and improvements constructed on historic properties must be designed to be compatible with the architectural style and features of the contributing historic buildings on the historic properties; and
- All new buildings must be compatible with the original architectural style of the contributing historic buildings on historic properties.

9) Subsection 4.02.050.J (Certificate of Appropriateness Modification/Revision) — Establishes procedures for the modification or revision of a Conservation Plan:

- Modifications/revisions that are minor in nature may be processed administratively. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved Certificate of Appropriateness or the conditions of approval.
- Modifications/revisions that, in the opinion of the Planning Director, are not minor in nature, shall be processed following the procedures for Certificate of Appropriateness approval.

10) Subsection 4.02.060.F (Conservation Plan Modification/Revision) — Establishes procedures for the modification or revision of a Conservation Plan:

- Modifications/revisions that are minor in nature may be processed administratively. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plan or the conditions of approval.
- Modifications/revisions that, in the opinion of the Planning Director, are not minor in nature, shall be processed following the procedures for Conservation Plan approval.

11) Section 4.02.070 (Master Plans and Amendments) — Establishes procedures for the review and approval of City master plans by the Planning Commission and City Council, including: 5-Year Capital Improvement Program Master Plan, Fiber Optic Master Plan, Parks Mater Plan, Citywide Streets Master Plan, Sewer Master Plan, Strom Drain Master Plan, and Water/Recycled Water Master Plan.

12) Section 4.02.075 (Sign Programs) — Clarifies existing procedures for the processing of Sign Programs, establishing the Planning Director as the Approving Authority, and requiring that within any commercial, mixed-use, industrial, or specialized use or overlay zoning district, a Sign Program must be submitted for any multi-tenanted building, complex or center.

13) Section 4.02.080 (Specific Plan Minor Amendments) — Establishes procedures for the approval of minor departures from the strict application of the development standards and/or design guidelines established by a Specific Plan. The Planning Director may approve the following minor amendments:

- A maximum net change of 15 percent to the number of units within an individual residential area, provided the total number of units for the entire specific plan area is not exceed.
- Adjustment of a residential planning area boundary, provided the total acreage of the affected area does not increase or decrease by more than 15 percent.
- Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design, which are consistent with the conceptual design set forth in the specific plan's development standards and design guidelines.
- Minor changes to design guidelines, which are intended to be conceptual in nature, and are clearly intended to be flexible in implementation;
- Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director to be in keeping with the purpose and intent of the affected specific plan; and
- Adjustments in street alignments and dimensions, as deemed appropriate by the City Engineer, which are in keeping with the purpose and intent of the specific plan.

14) Section 4.02.095 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) — Establishes procedures for the modification or revision of approved tentative tract and parcel maps, and vesting maps:

- Modifications/revisions that are minor in nature may be processed administratively. Modifications/revisions are considered minor in nature if:
 - They affect less than 20 percent of the total number of lots in the subdivision, provided there is no increase in the total number of lots; and
 - In the opinion of the City Engineer and Planning Director, proposed changes are minor in nature, and do not affect surround properties.
- Modifications/revisions that, in the opinion of the City Engineer and Planning Director, are not minor in nature, shall be processed following the procedures for Certificate of Appropriateness approval.

Division 4.03—Ministerial (Administrative) Permits and Decisions

1) Section 4.03.015 (Administrative Use Permits) —

- Establishes procedures for the review and approval of Administrative Use Permits required by Table 5.02-1 (Land Use Matrix), such as community gardens, urban farms home occupations, family child day care homes, boarding houses, and temporary uses.
- The following uses are exempt from the Administrative Use Permits provisions:

➤ Car washes conducted on nonresidential properties, which are sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or tax-exempt organizations. Exempt car washes are limited to one event per month, per location (maximum of 2 days duration);

➤ Activities and facilities associated with emergency public health and safety needs of the City, State, and federal governments; and

➤ Temporary filming, photography, and videography, and production activities associated with a Film Permit issued by the City.

2) Section 4.03.020 (Sign Plans) — Establishes procedures for the review and approval of Sign Plans, which reflect the City’s current processing procedures.

3) Section 4.03.030 (Subdivisions—Final Maps and Parcel Maps) — Establishes procedures for the review, approval, and recordation of final maps and parcel maps, pursuant to State law (required by State law).

Chapter 5.0: Zoning and Land Use

Division 5.01—General Zoning Provisions

1) 5.01.005 (Establishment of Base Zoning Districts) —

- The City is currently divided into 21 zoning districts and 6 overlay districts, which is proposed to be revised include to 32 zoning districts and 5 overlay districts.

- The zoning district designations have been revised to more closely correspond to the zoning district.

2) Existing and corresponding proposed **Residential Zoning Districts** are as follows:

| <i>Existing Zoning Districts</i> | <i>Corresponding Proposed Zoning Districts</i> |
|---------------------------------------|---|
| AR (Agricultural - Residential) | AR-2 (Agricultural-Residential – 0 to 2.0 DU/Acre) |
| <i>[New District]</i> | RE-2 (Residential Estate – 0 to 2.0 DU/Acre) |
| RE (Residential Estate) | RE-4 (Residential Estate – 2.1 to 4.0 DU/Acre) |
| R1 (Single Family Residential) | LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) |
| R1.5 (Low-Medium Density Residential) | MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 DU/Acre) |

| Existing Zoning Districts | Corresponding Proposed Zoning Districts |
|--|--|
| R2 (Medium Density Residential) | MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre) |
| R3 (High Density Residential) | MDR-25 (Medium Density Residential – 18.1 to 25.0 DU/Acre) |
| HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) | HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) |

3) Existing and corresponding proposed **Commercial Zoning Districts** are as follows:

| Existing Zoning Districts | Corresponding Proposed Zoning Districts |
|--|--|
| NC (Neighborhood Commercial District) | CS (Corner Store) |
| C1 (Shopping Center District) | CN (Neighborhood Commercial – 0.4 Maximum FAR) |
| C3 (Commercial Service District) | CC (Community Commercial – 0.4 Maximum FAR) |
| <i>[New District]</i> | CR (Regional Commercial – 0.4 Maximum FAR) |
| <i>[New District]</i> | CCC (Convention Center Core Commercial) |
| <i>[New District]</i> | CCS (Convention Center Support Commercial) |
| AP (Administrative Professional Office District) | OL (Low Intensity Office) |
| <i>[New District]</i> | OH (High Intensity Office) |

4) Existing and corresponding proposed **Mixed-Use Zoning Districts** are as follows:

| Existing Zoning Districts | Corresponding Proposed Zoning Districts |
|----------------------------------|--|
| C2 (Central Business District) | MU-1 (Downtown Mixed-Use) |
| <i>[New District]</i> | MU-2 (East Holt Mixed-Use) |
| <i>[New District]</i> | MU-11 (Euclid/Francis Mixed-Use) |

5) Existing and corresponding proposed **Industrial Zoning Districts** are as follows:

| <i>Existing Zoning Districts</i> | <i>Corresponding Proposed Zoning Districts</i> |
|---|--|
| <i>[New District]</i> | BP (Business Park) |
| <i>[New District]</i> | IP (Industrial Park) |
| M1 (Limited Industrial District) | IL (Light Industrial) |
| M2 (Industrial Park District) | IG (General Industrial) |
| M3(VI) (General Industrial District—Vintage Industrial Overlay) | IH (Heavy Industrial) |

6) Existing and corresponding proposed **Specialized Use Zoning Districts** are as follows:

| <i>Existing Zoning Districts</i> | <i>Corresponding Proposed Zoning Districts</i> |
|---|--|
| SP(AG) (Agricultural Overlay District) | AG (Interim Agricultural) |
| PF (Public Facilities District) | CIV (Civic) |
| MH (Mobile Home Park District) | MHP (Mobile Home Park) |
| M3 (General Industrial District) | ONT (Ontario International Airport) |
| <i>[New District]</i> | OS-C (Open Space-Cemetery) |
| OS (Open Space District) | OP-R (Open Space-Recreation) |
| PUD (Town Center Planned Unit Development District) | PUD (Planned Unit Development) |
| <i>[New District]</i> | RC (Rail Corridor) |
| SP (Specific Plan) | SP (Specific Plan) |
| <i>[New District]</i> | UC (Utilities Corridor) |

7) Existing and corresponding proposed **Overlay Districts** are as follows:

| Existing Overlay Districts | Corresponding Proposed Overlay Districts |
|-------------------------------------|---|
| AG (Agricultural Overlay) | <i>[Moved to Specialized Use zoning districts]</i> |
| EA (Euclid Avenue) Overlay District | EA (Euclid Avenue) Overlay District |
| <i>[New District]</i> | ES (Emergency Shelter) Overlay District |
| <i>[New District]</i> | MTC (Multimodal Transit Center) Overlay District |
| HW (Hazardous Waste Overlay) | <i>[Deleted]</i> |
| PRD (Planned Residential District) | <i>[Deleted]</i> |
| SA (Special Area Combined) | <i>[Deleted]</i> |
| VI (Vintage Overlay) | <i>[Moved to Industrial zoning districts]</i> |
| <i>[New District]</i> | ICC (Interim Community Commercial) Overlay District |

Division 5.02—General Land Use Provisions

1) Section 5.02.005 (Applicability) —The Land Use Matrix has been revised into a hierarchy of land uses based upon the North American Industry Classification System (NAICS). NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

2) Section 5.02.010 (Allowed Land Uses, Activities and Facilities) — The Land Use Matrix utilizes 4 symbols in determining whether a land use is allowed:

- “P” means the land use in the specified zone is permitted by right
- “C” means the land use in the specified zone is conditionally permitted (subject to Conditional Use Permit approval).
- “A” means the land use in the specified zone is administratively permitted (subject to Administrative Use Permit approval).
- “---“ means the land use in the specified zone is prohibited.

3) There are 3 general principles that were followed in dealing with land uses:

- Ensure **Transparency**;
- **Minimize** the creation of **nonconforming uses**; and
- **Reduce** the percentage of land uses subject to **Conditional Use Permits**.

4) Land Use Matrix summary:

| <i>Item</i> | <i>Existing</i> | | <i>Proposed</i> | |
|---|-----------------|----------|-----------------|----------|
| | <i>No.</i> | <i>%</i> | <i>No.</i> | <i>%</i> |
| Specified Land Uses (by zoning district): | 7,160 | 100 | 13,568 | 100 |
| Permitted Uses: | 781 | 10.9 | 1,640 | 12.1 |
| Conditionally Permitted Uses: | 533 | 7.4 | 665 | 4.9 |
| Administratively Permitted Uses: | 202 | 2.8 | 115 | 0.8 |
| Prohibited Uses: | 5,644 | 78.9 | 11,148 | 82.2 |

▪ Proposed changes to the existing land uses are shown below. Exhibit C (Proposed Land Use Changes), attached, lists the existing land uses affected by the Development Code Amendment, and the affected zoning districts.

| <i>Item</i> | <i>Proposed No. Land Uses Changed by Zoning District</i> |
|---|--|
| Change from Conditionally Permitted [C] to Permitted [P]: | 73 |
| Change from Prohibited [---] to Permitted [P]: | 386 |
| Change from Prohibited [---] to Conditionally Permitted [C]: | 143 |
| Change from Prohibited [---] to Administratively Permitted [A]: | 30 |
| Change from Permitted [P] to Conditionally Permitted [C]: | 15 |
| Change from Permitted [P] to Prohibited [---]: | 93 |
| Change from Conditionally Permitted [C] to Prohibited [---]: | 104 |

▪ Relying on the NAICS codes to form the basis for the Land Use Matrix has resulted in an approximate 47 percent increase in the number of land uses specified by zoning district.

▪ Consistent with the general principles, with the substantial overall increase in the number of land uses specified by zoning district, the proportion of land uses devoted to permitted uses has been increased, and the proportion of conditionally permitted and administratively permitted land uses have been decreased.

▪ Currently, any land use that is not specifically addressed by the Land Use Matrix is “prohibited” (unless allowed by a Determination of Use).

▪ The newly listed land uses (4608 uses) would have otherwise been considered to be “prohibited” land uses under the current code.

▪ Approximately 17 percent of the newly listed land uses have been recommended by staff to be “permitted” land uses.

▪ Approximately 82 percent of the remaining newly listed land uses are recommended by staff to be “prohibited”.

- The remaining one percent of newly listed land uses are recommended by staff to be conditionally or administratively permitted.

Division 5.03—Standards for Certain Land Uses, Activities, and Facilities

Proposed land use standards, which staff believes may be of specific interest of concern, are as follows:

1) Section 5.03.020 (Air Transportation) — Contains standards for Ontario International Airport, which are consistent with the current standards of the M3 zoning district.

2) Section 5.03.320 (Personal Property Donation Bins) — The following standards will govern the establishment and operation of salvageable personal property collection boxes/bins within the City:

- Comply with Welfare and Institutions Code Division 1, Chapter 1.8 (commencing with Section 148) and Chapter 2 (commencing with Section 150), which govern the acquisition and disposition of salvageable personal property for charitable purposes, and unattended collection bins.

- Collection bins may only be established in conjunction with a host business, subject to Conditional Use Permit approval.

- Collection bins must be constructed and maintained with durable, waterproof, and rustproof material, and must be fully enclosed.

- Collection bins must be clearly marked to identify the type of materials that may be deposited.

- Collection bins must be swept and maintained in a in a clean, litter-free condition, on a daily basis.

- Collection bins must be setback a minimum of 30 FT from any arterial street property line, and 20 FT from any collector or local public street property line, and must not obstruct pedestrian or vehicular circulation.

- The occupation of parking spaces by collection bins cannot reduce available parking spaces below the minimum required for the host business.

- Collection bins cannot encroach upon any existing landscaped areas, unless replaced elsewhere on the site.

- Additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required by the Approving Authority to screen collection bins.

3) Section 5.03.390 (Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics) — The below-listed standards govern body art services. “Body art services” shall mean tattooing, body piercing, branding, or the application of permanent cosmetics, excepting the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

- Every person and every business engaged in body art and/or permanent cosmetics services must comply with all applicable provisions of the Safe Body Art Act (HSC Section 119300 et seq.).

- Every person and every business engaged in body art and/or permanent cosmetics services must obtain a health permit from the San Bernardino County Division of Environmental Health Services prior to commencement of the business activity.

- A person proposing to construct, remodel, or revise a body art and/or permanent cosmetics facility must first submit plans to the Ontario Planning Department and the San Bernardino County Division of Environmental Health Services for review and approval, prior to construction.

4) Paragraph 5.03.395.J.2 (Short-Term Temporary Wireless Telecommunications Facilities) — Should the City determine that a temporary wireless telecommunications facility is need to fulfill the short-term wireless capacity and coverage needs of the community, an application for the short-term temporary wireless telecommunications facility, and applicable processing fees, shall be submitted for review and approval by the City. Furthermore, the following shall be imposed as a condition of application approval:

- The Planning Director may approve a short-term temporary wireless telecommunications facility, to remain in place for a period of 90 days from date of installation. The time in which the approval expires may be extended by the Planning Director for a maximum of 2 periods of 90 days duration, each, for a total of 270 days.

- Engineered plans and drawings to erect the temporary wireless telecommunications facility are to be submitted to the Building and Planning Departments for review and approval. All applicable building permits shall be required.

- An agreement with the City and the posting of a \$10,000 bond shall be required for any short-term temporary wireless telecommunications facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove approved facility upon expiration of the use permit.

- No short-term temporary wireless telecommunications facility shall be located within 500 FT of a residential zoning district.

5) Subparagraph 5.03.410.C.1(b)(2) (Keeping of Exotic Pets) — The keeping of a exotic pets is allowed only in conjunction with, and accessory to, a single-family dwelling, subject to the following:

- The keeping of exotic animals requires approval of a Conditional Use Permit.

- The approval of a Conditional Use Permit for an exotic animal is not effective until the Reviewing Authority receives written evidence that the applicant has obtained a permit from the State Department of Fish and Game, if required.

- The keeping of an exotic animal shall comply with all applicable Federal and State laws and requirements.

6) Subsection 5.03.410.E (Community Gardens) — Community Gardens include small-scale crop production and farming by individuals on multiple plots, or food and/or ornamental crop production on larger plots, which is maintained and grown by volunteers or community groups as a form of recreation, education, and/or community charity.

- **Allowed Activities/Facilities.** Allowed as an interim land use on vacant or underdeveloped land, or as a long-term ancillary land use in the following zones:

- *Residential Zones.* Administratively permitted within all residential zoning districts.

- *Commercial Zones.* Administratively permitted within all commercial zoning districts.

- *Mixed-Use Zones.* Administratively within all mixed-use zoning districts.

- *Industrial Zones.* Administratively permitted within the BP, IP and IL zoning districts, and prohibited within the IG and IH zoning districts.

- *Specialized Use Zones.* Administratively permitted within all specialized use and overlay zoning districts.

- *As Ancillary Land Uses.* Permitted by right as an ancillary activity to assembly uses (such as, but not limited to, religious assembly), community recreation uses (such as, but not limited to, public and private parks), and established residential uses.

- **Land Use Standards.** The following standards govern the establishment and operation of Community Gardens:

- **Development standards for Community Gardens:**

- (1) The on-site sale of produce for profit is strictly prohibited.

- (2) The site shall be designed and maintained to ensure that water will not drain to adjacent properties or the public right-of-way.

- (3) The site will be designed and maintained to prevent dust and other fugitive particles from leaving the Community Garden.

- (4) Community Gardens shall not use non-organic pesticides or herbicides.

- (5) The site shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(6) Permanent open fencing must be provided around the perimeter of a Community Garden, such as chainlink.

(7) A landscape screen may be provided along street frontages through the use of vines or espalier fruit trees to provide an attractive visual buffer.

(8) A minimum 4 FT wide walkway must be provided from the public right-of-way to the Community Garden.

(9) Refuse storage containers, serviced by the City, must be provided and screened from public view.

(10) Any storage area for tools, equipment and other materials must be enclosed and located outside of designated front yard and street side yard setback areas.

(11) Storage buildings cannot exceed 120 SF in area and 14 FT in height. Metal shipping containers cannot be used.

(12) A water meter and hose bibs shall be provided for the site.

(13) The hours of operation shall be limited to 7:00AM and dusk, or as set forth in the Administrative Use Permit.

(14) The property must be locked and secure during non-operating hours.

(15) Lighting for the site must be reviewed and approved by the Planning and Police Departments, and is not for nighttime operations.

(16) Maintenance cannot involve the use of commercial or industrial grade machinery and powered equipment without prior approval by the City.

(17) Approval by a homeowner or property owner association (if any) must be provided.

➤ Composting materials from off-site sources shall be limited to green waste (no manure shall be used).

(1) Locate compost pile at least 20 FT from any interior property line, and cannot be located within any front or street side yard setback area.

(2) Locate compost pile at least 50 FT from any habitable structure.

(3) Compost piles and facilities must be screened from public view, and cannot exceed 5 FT in height.

➤ Community Garden on-site produce sales:

(1) Permitted through issuance of the Administrative Use Permit for the Community Garden.

(2) Must be operated by a non-profit organization. Sales stands are intended to be small in scale, and must be designed to benefit residents and businesses immediately surrounding the Community Garden.

(3) The produce sales stand must be located on the same site as the Community Garden.

(4) The produce sold at a produce sales stand is not required to be grown on-site; however, all produce sold must be grown at a Community Garden located within the City.

(5) All proceeds shall directly benefit the Community Garden program; however, up to 10 percent of gross revenues may be used to supplement the overhead costs of the non-profit organization that operates the sales stand.

7) Subsection 5.03.410.F (Urban Farms) — Urban Farms are smaller-scale private farming operations in which plants and their products are grown and sold (on-site and/or off-site) for profit. Urban Farms include, but are not limited to, strawberry fields, flower and vegetable raising orchards, and vineyards. Additionally, Urban Farms may include items grown or produced as an ancillary activity to established land uses, such as, but not limited to, food service uses, including restaurants and special food services. Items not grown or produced on-site shall not be sold on-site, except in conjunction with an allowed retail store.

- Urban Farms are allowed as an interim land use on vacant or underdeveloped land.

- Urban Farms are administratively permitted within all residential, commercial, mixed-use, specialized use and overlay zoning districts, and within the BP, IP and IL industrial zoning districts. They are prohibited within the IG and IH zoning districts.

- Operational standards are as follows:

- The Urban Farm may sell plants and produce grown on-site in compliance with the standards for On-Site Produce Sales Stands.

- The Urban Farm must be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

- The Urban Farm must be designed and maintained to prevent dust and other fugitive particles from leaving the site.

- The Urban Farm must be maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

- A fence and landscape screen may be required around the site perimeter.

- Refuse storage containers, serviced by the City, must be provided and screened from public view.

- A storage area for tools, equipment and other materials must be enclosed and located outside of front yard and street side yard setback areas.

- The hours of operation shall be limited to the hours between 7:00AM and dusk.

- Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

➤ Facilities that choose to engage in composting must provide a Composting Plan with their Administrative Use Permit application, and comply with the composting standards for Community Gardens.

➤ On-Site Produce Sales Stands shall comply with the following:

(1) The stand must be located on the same site as the Urban Farm it serves.

(2) All plants and produce sold at the stand must be grown on-site.

(3) The operator of an on-site produce sales stand shall obtain all necessary food and health licenses and permits issued by the State and/or San Bernardino County, if required.

Chapter 6.0: Development and Subdivision Regulations

Division 6.01—District Standards and Guidelines

1) Section 6.01.010 (Residential Zoning Districts) —

▪ The residential development standards are divided among 5 tables, including:

➤ Table 6.01-1: Traditional Single-Family Residential Development Standards, which reflects the current Development Code standards;

➤ Table 6.01-2A: Small Lot Single-Family Residential Development Standards—Traditional Subdivisions, which reflects standards derived from specific plans within the New Model Colony. These standards are Intended to promote the consolidation of smaller residential lots and allow for design flexibility in-fill developments;

➤ Table 6.01-2B: Small Lot Single-Family Residential Development Standards—Alley-Loaded Subdivisions, which reflects standards derived from specific plans within the New Model Colony

➤ Table 6.01-2C: Small Lot Single-Family Residential Development Standards—Cluster Subdivisions, which reflects standards derived from specific plans within the New Model Colony;

➤ Table 6.01-3: Multiple-Family Residential Development Standards, which reflect the current Development Code Standards

▪ Allows for the installation of decorative pergolas and porticos within the front or street side setback area (max. 5 FT wide, 4 FT deep, and 8 FT high).

▪ Change in maximum drive approach width, based upon the lot width, as follows:

| Lot Width | Max. Drive Approach Width |
|-----------|---------------------------|
|-----------|---------------------------|

| Lot Width | Max. Drive Approach Width |
|---------------|---------------------------|
| 0 to 50 FT | 25% 12 FT |
| 51 to 80 FT | 25% 16 FT |
| 81 FT or more | 25% 20 FT |

- Additions to the standards for infill developments. New housing within existing neighborhoods must comply with the following:

- Must be integrated with surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood;
- The area, dimensions, lot coverage, height, bulk, and scale of a new project must be compatible with existing development;
- Projects must be plotted on a lot in a manner consistent with the surrounding neighborhood;
- Garages must be oriented consistent with garages in the surrounding neighborhood; and
- New street curb cuts are not be permitted on lots with alley access.

- The Residential Design Guidelines have been have been removed from the Development Code and will be adopted by City Council resolution, allowing the guidelines to be easily revised and expanded upon.

2) Section 6.01.015 (Commercial Zoning Districts) —

- Establishes development standards for the CS (formerly NC), CN (formerly C1), CC (formerly C3), CR (new), CCC (formerly C4), CCS (new), OL (formerly AP), and OH (new).

- Development standards have been established for the new CR and OH zoning districts.

- Parking, drive aisle, and building setbacks in the CCC, CCS and OL zones are recommended to be decreased, which increases the amount of buildable land area

- Standards are recommended that codify the standard conditions of approval that are generally imposed on commercial developments

- Standards are recommended, which reflect the design practices of the Planning Department that are generally implemented with commercial developments, addressing:

- Compatibility with existing development;
- Designing buildings with 360-degree architecture (insuring detailing is consistent on all 4 sides of a building);

- Corporate architecture intended to market a building occupant (to be incorporated only as secondary design elements, and not as dominant features of a building); and
- Establishment of a classification of acceptable exterior building finishes, based upon their visual weight:

| <i>Heavy Materials</i> | <i>Intermediate Materials</i> | <i>Light Materials</i> |
|--|--|-------------------------------|
| Natural Stone | Stucco | Natural Wood |
| Integrally-Colored Decorative Masonry Block | Exterior Insulation and Finishing System (EIFS) | Cement Board |
| Brick | Smooth Textured Tilt-Up or Precast Concrete Panels | Synthetic Wood |
| Cast and Synthetic Stone | | Architectural Metal |
| Richly Textured Tilt-Up or Precast Concrete Panels | | Glass Curtain Wall |

- The Commercial Design Guidelines have been removed from the Development Code and will be adopted by City Council resolution, allowing the guidelines to be easily revised and expanded upon.

3) Section 6.01.020 (Mixed-Use Zoning Districts) —

- Establishes development standards for the MU-1 (formerly C2), MU-2 (new zone covering the East Holt Mixed-Use Area), and MU-11 (new zone covering the Euclid/Francis Mixed-Use Area) zoning districts.
 - Within the MU-1 and MU-2 zoning districts, PUD adoption is required prior to any development occurring (as prescribed by The Ontario Plan).
 - Development standards for the MU-11 zoning district are also as prescribed by The Ontario Plan:
 - Residential development is subject to the development standards applicable to the HDR-45 zone, at a density of 20.1 to 80.0 DUs/Acre
 - Nonresidential development is subject to the development standards applicable to the CN (Neighborhood Commercial) zoning district, at a maximum 1.0 FAR
 - Buildout of the MU-11 zone cannot exceed the maximums prescribed by The Ontario Plan, Exhibit LU-3 (Future Buildout).

4) Section 6.01.025 (Industrial Zoning Districts) —

- Establishes development standards for the BP (new), IP (new), IL (formerly M1), IG (formerly M2), and IH (formerly M3(VI)) zoning districts
- Development standards for the new BP and IP zoning districts are as follows:

residential

- Minimum Lot Area -- 10,000 SF
- Minimum FAR -- 0.60
- Minimum Landscape Coverage -- 15 percent interior/10 percent corner
- Minimum Separations:
 - (1) Parking Space/Drive Aisle to Street PL -- 20 FT
 - (2) Parking Space/Drive Aisle to Interior PL -- 5 FT/10 FT adjacent to

- Maximum Building Area
 - (1) Single Tenant -- 45,000 SF
 - (2) Multiple Tenant -- 60,000 SF
- Minimum Building Street Setback
 - (1) From Freeway PL -- 20 FT
 - (2) From Holt PL -- 10 FT
 - (3) From All Other Arterial PL -- 20 FT
 - (4) From Collector PL -- 10 FT

- Maximum Building Height -- 45 FT

- Standards are recommended that codify:

- The standard conditions of approval that are generally imposed on industrial developments; and

- The design practices of the Planning Department that are typically implemented in industrial developments, including standards addressing:

- (1) Refuse storage areas
- (2) On-site lighting
- (3) Equipment screening
- (4) Outdoor loading and storage
- (5) Outdoor manufacturing and processing
- (6) Outdoor sales and display
- (7) Building color
- (8) Roof access ladders
- (9) Gutters and downspouts
- (10) Trip reduction
- (11) Noise
- (12) Airport safety zones

(13) Security standards

5) Section 6.01.030 (Specialized Use Zoning Districts) —

- Establishes development standards for the AG (formerly SP(AG)), CIV (formerly PF), MHP (formerly MH), ONT (formerly M3), OS-C (new), OS-R (formerly OS), RC (new), and UC (new) zoning districts
- Property within the CIV zone is subject to the OH zone development standards
- Property within the MHP zone is subject to the current mobile home park development standards (no changes proposed).
- Property within the ONT zone is subject to the Air Transportation standards of the Development Code, which is consistent with the current M3 development standards.
- The OS-C zone accommodates the development of cemetery sites subject to the development standards of the OL zone.
- The OS-R zone accommodates the development of public parks and recreation sites subject to the development standards of the OL zone.

Division 6.02—Walls, Fences and Obstructions

(1) Section 6.02.010 (Prohibited Materials) — Prohibits the use of barbed wire within residential, commercial, and mixed-use zoning districts.

(2) Paragraph 6.02.025.A.1 (Required Walls and Fences) — Requires a minimum 8-FT high decorative block wall between nonresidential zoning districts and adjacent residential zoning districts, measured on the nonresidential side of the wall. A minimum 6 FT wall height must be provided on the residential side of the wall.

(3) Paragraph 6.02.025.B.6 (Required Walls and Fences) — Barbed wire used in industrial zoning districts cannot protrude above the top of a wall or fence.

(4) Subsection 6.02.025.E (Electrified Fences) — The Planning Director may approve the use of electrified fences, as follows:

- Electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
- The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC.
- The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in Paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.
- An electrified fence cannot be installed or used unless completely surrounded by a nonelectrified fence or wall, which is at least 6 FT in height.

- Electrified fences shall be permitted only in nonresidential zoning districts, and only in locations approved by the Planning Director.
- Electrified fences cannot exceed the maximum height requirements for fences and walls (cannot obtain a Variance for height).
- Electrified fences must be clearly identified with warning signs prepared in English and Spanish, which read: “Warning-Electric Fence” at intervals of not less than 60 FT.
- A “Knox Box Electrical Shunt Switch,” and a “Knox Box” or other similarly approved device, must be installed for emergency access of Police and Fire Departments.
- By issuance of a building and/or electrical permit to install or use an electric fence, the applicant and property owner must agree, as a condition of permit issuance, indemnify the City.
- It is unlawful, and a misdemeanor, for any person to install, maintain, or operate an electrified fence in violation of the Development Code.

Division 6.03—Off-Street Parking and Loading

1) Section 6.03.005 (Applicability) — Clarifies when parking standards are to be applied: **[i]** a new building or expansion of an existing building that requires a Development Plan; **[ii]** a new use is established or existing use is expanded, which requires a Conditional Use Permit; **[iii]** the gross floor area (GFA) of an existing building is enlarged by more than 5 percent; **[iv]** the permanent seating for an assembly area is increased; and **[v]** any intensification of use or change in occupancy.

2) Section 6.03.010 (General Requirements) — No vehicle shall be parked in a public or private parking lot for the purpose of displaying a vehicle for sale, hire, or rental, unless properly zoned and all licenses and approvals have been obtained.

3) Section 6.03.020 (Required Number of Off-Street Parking Spaces) —

▪ **Subsection A.** Changes to the Off-Street Parking Requirements (Table 6.03-1) have been made based upon standards established by the Institute of Transportation Engineers, as follows:

- Model Homes — **Adds standard:** 2 spaces per dwelling
- Income Qualified Senior Citizen Housing — **Reduces standard:** From one space to 0.7 space per dwelling.
- Small Lot and Common Interest Single-Family Developments — **Adds standard:** Guest/visitor spaces at the rate of one space per 4 dwellings.
- Data Processing — **Adds standard:** 6 spaces per 1,000 SF.
- Elementary and Middle Schools — Changes the basis for calculation from the number of employees (one space per employee), to the number of students (0.28 spaces per student), resulting in a **minor increase** in spaces provided.
- High Schools — Changes the basis for calculation from the number of employees (one space per employee), to the number of students (0.26 spaces per student), resulting in a **minor increase** in spaces provided.
- Business, Technical and Trade Schools — **Adds standard:** 6 spaces per 1,000 SF.
- Manufacturing — **Reduces standard:** From 2 spaces to 1.85 spaces per 1,000 SF of GFA.
- General Industrial (speculative buildings) — **Reduces standard:**

Existing

Office Area: One space for each 250 SF of GFA (15 percent of GFA for buildings 15,000 SF or less; 10 percent of GFA for buildings 15,001 to 50,000 SF; 5 percent of GFA for buildings 50,001 to 100,000 SF; and 3 percent of GFA for buildings 100,001 SF or more); plus
Manufacturing Area: One space for each 500 SF of GFA; plus

Warehouse Area (max. 30 percent): One space for each 1,000 SF of GFA for the first 20,000 SF, plus one space for each 2,000 SF for area over 20,000 SF.

Proposed *Portion of GFA less than 50,000 SF:* 1.85 spaces per 1,000 SF, plus
Portion of GFA 50,000 SF to 100,000 SF: One space per 1,000 SF, plus
Portion of GFA greater than 100,000 SF: 0.5 space per 1,000 SF.

➤ Multi-Tenant Business Park — **Adds standard:** 3 spaces per 1,000 SF.

- **Subsection B.** Residential parking is allowed without limitation on the maximum number of spaces provided. Nonresidential parking allows up to 10 percent above the required number of spaces without discretionary review by the City; above 10 percent requires Planning Commission approval, based upon proven need.

- **Subsection F.** A parking management plan is required for multiple-family projects. The plan must identify the location of resident parking spaces and assigns each space to the appropriate dwelling, and requires that the resident parking spaces cannot be separately rented or leased.

4) Section 6.03.020 (Reduction in the Required Number of Parking Spaces) —

- Clarification provided regarding the execution of a Shared Parking Agreement, when a parking reduction is being allowed.

- Clarification has been provided regarding how to prepare a Parking Study, relying on ULI's *Shared Parking* publication.

- Clarification has been added regarding how a parking reduction based upon low demand is established and processed, including the requirement for a Low Demand Parking Reduction Agreement.

5) Section 6.03.025 (Tandem Parking) — Clarification has been added, which prescribes the circumstances under which tandem parking may be allowed.

6) Section 6.03.030 (Parking for the Physically Disabled) — Clarification has been added, which states that handicapped parking spaces count toward fulfilling the number of required parking spaces, and the Zoning Administrator can approve a reduction in the required number of parking spaces to accommodate handicapped parking spaces.

7) Section 6.03.035 (Bicycle Parking) — Bicycle parking must be provided in compliance with CALGreen.

- 8) Section 6.03.040 (Parking for Fuel Efficient Vehicles) — Parking for fuel efficient vehicles must be provided in compliance with CALGreen.
- 9) Section 6.03.045 (Off-Street Parking Design Standards) —
- The compact parking stall provisions have been eliminated (compact spaces to no longer allowed).
 - The parking stall depth has been reduced from 19 feet to 18 feet, consistent with the recommendations of the Institute of Transportation Engineers, Parking Consultants Council, and Urban Land Institute.
 - The minimum parking stall backup area has been reduced from 26 feet to 24 feet, consistent with the recommendations of the Institute of Transportation Engineers, Parking Consultants Council, and Urban Land Institute.
 - New standard added requiring that a drive aisle extend 5 FT beyond the last parking spaces in a row to provide adequate backup area for parked vehicles.
 - New standards have been added that prescribe minimum vertical clearances for parking spaces.
 - The parking lot striping and identification standards have been clarified, requiring double striping in commercial zones (some specific plans already require this).
 - The accessible depth of vehicle overhang has been increased from 2 FT to 30 inches, consistent with the recommendations of the Institute of Transportation Engineers, Parking Consultants Council, and Urban Land Institute.
- 10) Section 6.03.050 (Parking Lot Lighting) — Parking lot lighting standards have been revised consistent with the requirements prescribed in the standard conditions of approval.
- 11) Section 6.03.055 (Parking Lot Lighting) — Off-street loading standards have been revised consistent with the requirements prescribed in the standard conditions of approval.
- 12) Section 6.03.070 (Commercial Vehicle Parking Restrictions) — The commercial vehicle parking restrictions have been revised to reflect the California Vehicle Code, and to clarify that trucks must be parked within designated loading spaces and areas that are screened from public view, and clarify that parking in a parking lot to load or unload, or to provide immediate services, is allowed for a period not to exceed 3 hours duration within any consecutive 24-hour period.

Division 6.04—Congestion Management and Trip Reduction

No changes.

Division 6.05—Landscaping

- 1) Establishes landscape and irrigation conservation standards that promote provisions for water management practices, and techniques for the installation and maintenance of appropriate landscape materials and efficient irrigation systems, as required by AB 1881 (Water Conservation in Landscaping Act of 2006).
- 2) Establishes landscape and irrigation provisions consistent with State law, which are currently implemented through reliance on State water conservation laws, City policies, and conditions of approval.
- 3) Establishes procedures for the preparation, review, and approval of landscape and irrigation plans, which are consistent with current City practices.

Division 6.06—Street Naming and Street Address Numbering

No changes.

Division 6.07—Public Art

No changes.

Division 6.08—Subdivisions

- 1) Generally, a number of sections have been added throughout the Division, to include provisions required by the Subdivision Map Act, which are currently inadequately addressed.
- 2) Section 6.08.025 (Reports) — Clarifies preparation, review and approval procedures for Soils Reports and Geological Hazard Reports.
- 3) Section 6.08.030 (Park Dedication and In-Lieu Fee Regulations) —
 - Deleted provisions that currently allow private open space to be credited against any required dedication of public parklands.
 - The “Park Area Standard Ratio” used in the required parkland dedication calculation has been increased, from 3 acres per 1,000 population to 5 acres per 1,000 population, consistent with The Ontario Plan policies.
 - The “Single-Family Attached Dwelling Units” occupancy factor has been deleted (used in the parkland dedication calculation), and the occupancy factor for “Dwelling Units within a Mixed-Use Project” has been added.
- 4) Section 6.08.035 (Dedications and Improvements) — Adds provisions clarifying the dedication and improvement procedures consistent with the Subdivision Map Act.
- 5) Section 6.08.040 (Improvement Plans and Security) —

- Adds provisions clarifying procedures for the submittal, review and approval of improvement plans.
- Adds provisions clarifying the procedure for the collection of improvement security.

6) Section 6.08.055 (Conversion to a Nonresidential Common Interest Project) — Adds provisions addressing nonresidential condominium conversions (current standards only address residential condominium conversions).

Division 6.09—Climate Action Plan and Sustainable Development Practices

Division is reserved for future use.

Division 6.10—Property Appearance and Maintenance

No changes – the Division was moved from Ontario Municipal Code Title 5, Chapter 22 (Property Appearance – Nuisance).

Division 6.11—Shopping Cart Retention and Storage

1) The provisions were moved from Ontario Municipal Code Title 5, Chapter 25 (Shopping Cart Regulations).

2) Section 6.11.020 (Mandatory Shopping Cart Retention Plan) —

- New businesses that provide shopping carts for patrons are required to prepare a Shopping Cart Retention Plan, to be reviewed and approved by the Planning Director.
- New development, a 10 percent increase GFA, or the major alteration or remodel of any building occupied by a retail use with 10 or more shopping carts must install an electronic barrier system that will disable a shopping cart when crossed. (Alternate cart retention methods that would achieve the same outcome may also be considered by the Planning Director.)

3) Section 6.11.060 (Shopping Cart Collection and Storage Facilities) — Establishes standards for the collection and storage of shopping carts, which are consistent with the methods implemented on new retail developments, such as landscaping around cart corrals and the screening of storage areas with low decorative masonry walls.

Chapter 7.0: Historic Preservation

Division 7.01—Historic Preservation

- 1) Section 7.01.035 (Historic Preservation Trust Fund) — Expanded the section to define an emergency grant, list qualifying construction projects for competitive and non-competitive grants and loans, and project selection criteria.
- 2) Section 7.01.060 (Enforcement and Penalties) — Clarifications of provisions for the notification of violations of the Historic Preservation provisions of the Development Code, and the assessment of civil penalties issued by the Planning Director.
- 3) Section 7.01.065 (Guidelines for the Treatment of Historic Properties) — Clarification that any proposed work on an historic resource must follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, and that the *Secretary of the Interior's Standards* is enforceable in the same manner as any other provision of the Development Code.

Chapter 8.0: Sign Regulations

Division 8.01—Sign Regulations

- 1) Section 8.01.015 (Prohibited Signs) — The list of prohibited signs has been expanded.
- 2) Table 8.01-1 (Sign Regulation Matrix) — Sign standards have been revised as follows:

RESIDENTIAL ZONING DISTRICTS

- Single-Family Signs—Subdivision Signs: One 12 SF monument sign, 4 FT in height.
- Single-Family Signs—Home Occupation Signs: One 2.25 SF wall sign, 1.5 FT in height by 1.5 FT in width.
- Multiple-Family Signs—Complex Signs: One 24 SF monument sign, 6 FT in height.
- Multiple-Family Signs—Site Directory Signs: One 12 SF monument sign, 6 FT in height.
- Institutional User Signs (day care, schools, etc.): One 24 SF monument sign, 6 FT in height.

COMMERCIAL ZONING DISTRICTS

- Promotional and Special Event Signs and Banners:
 - Occupying less than or equal to 8,000 SF of floor area: One 50 SF wall-mounted banner, 3 FT in height.

➤ Occupying greater than 8,000 SF of floor area: One 75 SF wall-mounted banner, 5 FT in height.

▪ Wall Signs:

➤ Retail—Businesses occupying greater than 100,000 SF: One primary and 2 descriptor wall signs, totaling 200 SF, 6 FT in height for primary sign and 2 FT in height for descriptor signs.

➤ Retail—Businesses occupying 50,000 SF to 99,999 SF: One primary and 2 descriptor wall signs, totaling 175 SF, 5 FT in height for primary sign and 2 FT in height for descriptor signs.

➤ Retail—Businesses occupying 20,000 SF to 49,999 SF: One primary and 2 descriptor wall signs, totaling 150 SF, 4 FT in height for primary sign and 1.5 FT in height for descriptor signs.

➤ Retail—Businesses occupying 8,000 SF to 19,999 SF: One primary and 2 descriptor wall signs, totaling 100 SF, 3 FT in height for primary sign and one FT in height for descriptor signs.

➤ Retail—Businesses occupying less than 8,000 SF: One wall sign per elevation, maximum 3 signs, 50 SF and 2 FT in height (2.5 FT for multiple line signs).

➤ Office—Multiple Story Building Identification: One wall sign per elevation, maximum 2 signs, 100 SF and 3 FT in height.

➤ Office—Multiple Story Building, Tenant Identification: One wall sign per elevation, maximum 2 signs, 50 SF and 2 FT in height.

➤ Office—Single Story, Tenant Identification: One wall sign per elevation, maximum 2 signs, 50 SF and 2 FT in height.

▪ Monument Signs:

➤ Commercial Center Identification Sign: One sign per 500 FT of street frontage, minimum 300 FT spacing, 50 SF per face and 7 FT in height.

➤ Building Identification Sign (not part of a center/complex): One sign per street frontage, 36 SF per face and 6 FT in height.

INDUSTRIAL ZONING DISTRICTS

▪ Wall Signs:

➤ Businesses occupying greater than 250,000 SF: One wall sign per street frontage or public entrance facing a parking lot (maximum 2 signs), 250 SF per sign, 6 FT in height.

➤ Businesses occupying 249,000 SF to 100,000 SF: One wall sign per street frontage or public entrance facing a parking lot (maximum 2 signs), 200 SF per sign, 5 FT in height.

➤ Businesses occupying 99,999 SF to 50,000 SF: One wall sign per street frontage or public entrance facing a parking lot (maximum 2 signs), 150 SF per sign, 4 FT in height.

➤ Businesses occupying 49,999 SF to 20,000 SF: One wall sign per street frontage or public entrance facing a parking lot (maximum 2 signs), 100 SF per sign, 3 FT in height (3.5 FT for multiple line sign).

➤ Businesses occupying less than 20,000 SF: One wall sign per street frontage or public entrance facing a parking lot (maximum 2 signs), 500 SF per sign, 2 FT in height (2.5 FT for multiple line sign).

▪ Monument Signs:

➤ Industrial Park Center or Complex Sign: One sign per street frontage (maximum 2 signs), 36 SF per face and 6 FT in height.

➤ Single or Multi-Tenant Building (not part of a center/complex): One sign per street frontage, 36 SF per face and 6 FT in height.

SPECIALTY SIGNS

▪ Fuel Sales Signs:

➤ Wall Signs: One sign per elevation (maximum 3 signs), 50 SF per elevation and 2 FT in height (2.5 FT for multiple line sign and icons/logos).

➤ Fuel Island Canopy Signs: One sign per elevation (maximum 2 signs), 16 SF per elevation and 2 FT in height (2.5 FT for icons/logos).

➤ Fuel Pump Identification: One logo/icon per pump face (maximum 2 signs), 1.5 FT in height.

Chapter 9.0: Definitions and Glossary

Division 9.01—Definitions

1) Section 9.01.010 (Definitions) — Definitions added or revised consistent with the proposed Development Code changes.

2) Section 9.01.015 (Acronyms and Abbreviations) — Adds acronyms and abbreviations used throughout the Development Code.

Division 9.02—Glossary

Definitions added or revised consistent with the proposed Development Code changes.

**EXHIBIT C:
PROPOSED LAND USE CHANGES**

| NAICS Code | Land Use | Affected Zoning District |
|--|--|--|
| LAND USES CHANGED FROM CONDITIONALLY PERMITTED [C] TO PERMITTED [P] | | |
| | Residential | |
| | Caretaker Quarters | AG |
| 11 | Commercial Agriculture | |
| 112990 | Kennels and Catteries -- less than 8 animals | AG |
| 112990 | Kennels and Catteries -- 8 or more animals | IG |
| 1151 | Support Activities for Crop Production | AG |
| 1152 | Support Activities for Animal Production | AG |
| 31 | Manufacturing | |
| 3112 | Grain and Oilseed Milling | IH |
| 3222 | Converted Paper Product Manufacturing | IG |
| 3254 | Pharmaceutical and Medicine Manufacturing | IG and IH |
| 3256 | Soap, Cleaning Compound, and Toilet Preparation Manufacturing | IG and IH |
| 3261 | Plastics Product Manufacturing | IG |
| 331 | Primary Metal Manufacturing | IH |
| 3327 | Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing | IL |
| 3328 | Coating, Engraving, Heat Treating, and Allied Activities | IG and IH |
| 332812 | Painting, Powder Coating, and Polishing Metal and Metal Products for the Trade | IG and IH |
| 336 | Transportation Equipment Manufacturing | IG |
| 44 | Retail Trade | |
| 443 | Electronics and Appliance Stores | MU-1 |
| 44511 | Supermarkets and Other Grocery Stores | MU-1 |
| 44512 | Convenience Stores | CCC and CCS |
| 447190 | Self-Serve and Full Service Fueling Stations | CN, CC, CCC and CCS |
| 447190 | Automated Fueling Facilities ("card lock" facilities) | IG |
| 4521 | Department Stores | MU-1 |
| 48 | Transportation and Warehousing | |
| 481 | Helipad/Heliport | IG and IH |
| 482 | Railroad Passenger Terminals (limited to line haul) | MU-1 |
| 51213 | Motion Picture and Video Exhibition (movie theaters) | CCC & CCS |
| 5172 | Wireless Telecommunications Facilities | CN, CC, CCC, CCS, OL, MU-1, IL, IG, IH, AG, CIV, MHP, ONT, OS-C, OS-R, RC and UC |
| 51 | Information | |
| 518 | Data Processing, Hosting and Related Services | OL |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|---|---|---------------------------------|
| 52 | Finance and Insurance | |
| 52239 | Other Activities Related to Credit Intermediation | CC |
| 56 | Administrative and Support, and Waste Management and Remediation Services | |
| 5617 | Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services) | IL and IG |
| 62 | Health Care and Social Assistance | |
| 6211, 6212, 6213, 6214, 6215, 6216 | Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics | OL and MU-1 |
| 624221 | Transitional Housing | MDR-11, MDR-18, MDR-25 and MHP |
| 71 | Arts, Entertainment, and Recreation | |
| 711 | Performing Arts, Spectator Sports, and Related Industries | CCC |
| 71394 | Fitness and Recreational Sports Centers, GFA 10,000 or more SF | CC |
| 71395 | Bowling Centers | CC and MU-1 |
| 713990 | Batting Cages -- Indoor | IG |
| 713990 | Batting Cages -- Outdoor | IG |
| 72 | Accommodation and Food Services | |
| 722511 | Full-Service Restaurants | OS-R |
| 81 | Other Services (except Public Administration) | |
| 811111 | Motor Vehicle Mechanical and Electrical Repair and Maintenance -- Servicing Facilities | CN |
| 811111 | Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance | IG |
| 811121 | Large Truck and Bus Body, Paint, and Interior Repair and Maintenance | IG |
| 811192 | Automotive Oil Change and Lubrication Shops | CN |
| 812210 | Funeral Director Services (office/retail only) | MU-1 |
| LAND USES CHANGED FROM PROHIBITED [---] TO PERMITTED [P] | | |
| | Residential | |
| | Household Pets -- 5 to 8 pets | AG |
| 11 | Commercial Agriculture | |
| 11291 | Apiculture (bee keeping and production) | ONT |
| 112990 | Kennels and Catteries - Fewer than 8 animals | IL |
| 22 | Utilities | |
| 221114, 221115 | Solar and Wind Electric Power Generation | CIV |
| 31 | Manufacturing | |
| 3112 | Grain and Oilseed Milling | IG |
| 3113 | Sugar and Confectionary Product Manufacturing | IG and IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|-------------------------------------|---|--|
| 3119 | Other Food Manufacturing | IL |
| 3121 | Beverage Manufacturing | IL |
| 313 | Textile Mills (transforms basic fiber into fabric) | IG |
| 314 | Textile Product Mills (transforms fabric into product, except apparel) | IL and IG |
| 3162 | Footwear Manufacturing | IL |
| 3169 | Other Leather and Allied Products Manufacturing | IL |
| 321 | Wood Product Manufacturing | IG |
| 3221 | Pulp, Paper and Paperboard Mills | IG |
| 3252 | Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing | IH |
| 3261 | Plastics Product Manufacturing | IL |
| 3322 | Cutlery and Handtool Manufacturing | IL |
| 3325 | Hardware Manufacturing | IL |
| 332991 | Ball and Roller Bearing Manufacturing | IL |
| 332996 | Fabricated Pipe and Pipe Fitting Manufacturing | IG and IH |
| 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing | IG and IH |
| | Boutique Manufacturing Facilities | IL, IG and IH |
| 44 | Retail Trade | |
| 44512 | Convenience Store | ONT |
| 44521, 44522, 44523, 44529 | Confectionary and Baked Goods, Dairy Products, Ice Cream, Meat, Seafood, Produce (except farmers markets and certified farmers' markets), Soft Drink, Tea and Coffee, Water Stores, and All Other Specialty Foods | ONT |
| 477110 | Gasoline Fueling With a Convenience Store | CN, CC, CCC, CCS, OL, and ONT |
| 447190 | Self-Serve and Full Service Fueling Stations | ONT |
| 447190 | Automated Fueling Facilities ("card lock" facilities) | ONT |
| 452990 | All Other General Merchandise Stores (limited to dollar stores, variety stores and catalog showrooms) | MU-1 |
| 453310 | Consignment Shops | CN, CC, and MU-1 |
| 4542 | Vending Machine Operators | IG and IL |
| 454312 | Direct Selling Establishments - Fuel Dealers | IH |
| 454390 | Other Direct Selling Establishments | IG and IL |
| 48 | Transportation and Warehousing | |
| 4853 | Taxi and Limousine Services | ONT |
| 4855 | Charter Bus Services | ONT |
| 4881 | Support Activities for Air Transportation | ONT |
| 491 | Postal Service (limited to US Postal Service and contract services. See "Private Mail Centers and Postal Services and Supplies" (NAICS 561431) for commercial mail services) | CS, CN, CC, CCC, CCS, OL, MU-1, CIV and ONT |
| 493120 | Refrigerated Warehousing and Storage | IL, IG and IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|-------------------|---|---|
| 51 | Information | |
| 5111 | Newspaper, Periodical, Book, and Directory Publishers | IG and IH |
| 5112 | Software Publishers | IL, IG and IH |
| 5171 | Wired Telecommunications Facilities | CN, CC, CCC, CCS, OL, MU-1, IL, IG, IH, AG, CIV, MHP, ONT, OS-C, OS-R, RC, and UC |
| 51911 | News Syndicates (offices only) | CC, CCC, CCS, OL, MU-1, and IL |
| 51913 | Internet Publishing and Broadcasting | CCC, CCS, OL, MU-1, and IL |
| 52 | Finance and Insurance | |
| 52232 | Financial Transactions Processing and Clearinghouse Activities | CC and MU-1 |
| 53 | Real Estate, Rental and Leasing | |
| 53211 | Passenger Car Rental and Leasing | ONT |
| 5322 | Consumer Goods Rental (consumer electronics, appliances, costumes, formal ware, furniture, home health equipment, musical instruments, party and banquet accessories, etc.) | CC and MU-1 |
| 5323 | General Rental Centers (home and garden tools and equipment) | CC |
| 54 | Professional, Scientific and Technical Services | |
| 541 | Professional, Scientific and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (limited to legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services) | OL |
| 5417 | Scientific Research and Development Services | IL and IG |
| 5419 | Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services) | CN and CCS |
| 55 | Management of Companies and Enterprises | |
| 551 | Management of Companies and Enterprises | CN, CC, CCS, and MU-1 |
| 56 | Administrative and Support, and Waste Management and Remediation Services | |
| 5613 | Employment Services (placement, search, and temporary services) | CN, CC, CCS, OL, and MU-1 |
| 56141 | Document Preparation Services | CN, CC, CCS, OL, and MU-1 |
| 56142 | Telephone Call Centers | CC |
| 561431 | Private Mail Centers, and Postal Services and Supplies | CS, CCS, and OL |
| 56144 | Collection Agencies | CC, OL, and MU-1 |
| 56145 | Credit Bureaus | CC |
| 56149 | Other Business Support Service Centers (repossession services, court reporting, stenotype services, etc.) | CC, OL, and MU-1 |
| 5616 | Investigation and Security Services | MU-1 |
| 562111 | Recycling Processing Facilities | IG |
| 562111 | Recycling Salvage Facilities (within a wholly enclosed building) | IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|------------------------|---|---|
| 562910 | Remediation Services | IL and IG |
| 562920 | Material Recovery Facilities - Commingled Recyclable Materials | IG and IH |
| 562991 | Septic Tank and Related Services | IG and IH |
| 562998 | All Other Miscellaneous Waste Management Services (storm and catch basin cleaning, grease trap cleaning, sewer cleaning and rodding, and tank cleaning and disposal services, etc.) | IG and IH |
| 61 | Education Services | |
| 6111, 6112, 6113 | Public Schools | OL and MHP |
| 6117 | Educational Support Services | CC, OL, and MU-1 |
| 62 | Health Care and Social Assistance | |
| 621991 | Blood and Organ Banks | IL |
| 621999 | Miscellaneous Ambulatory Health Care Services (blood pressure screening, health screening, hearing testing, pacemaker monitoring, fitness evaluation, etc.) | CN, CC, OL, and MU-1 |
| 6232 | Residential Mental Retardation, Mental Health and Substance Abuse Facilities -- 6 or Fewer Persons | MHP |
| 6233 | Community Care Facilities for the Elderly -- 6 or fewer persons | MHP |
| 6239 | Other Residential Care Facilities -- 6 or fewer persons | MHP |
| 624110 | Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services | CN, CC, OL, and MU-1 |
| 624110 | Teen Outreach Services and Youth Centers | CN, CC, and MU-1 |
| 624120 | Senior Citizen and Adult Community Centers | CIV |
| 624120 | Adult Day Care Services - 6 or fewer persons | AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, CN, CC, OL, and MU-1 |
| 624190 | Other Individual and Family Services | CC and OL |
| 624229 | Other Community Housing Services | CN, CC, OL, and MU-1 |
| 62423 | Emergency and Other Relief Services | CC, OL, and MU-1 |
| 624410 | Child Day Care Centers - Employer Provided | IL, IH, IG, and CIV |
| 624410 | Family Child Day Care (Small Family) -- Less than 8 children | MU-1 and MHP |
| 71 | Arts, Entertainment and Recreation | |
| 71221 | Museums | ONT and OS-R |
| 713990 | Open Space and Park Lands (publicly owned facilities) | IL, MHP and ONT |
| 72 | Accommodation and Food Services | |
| 72231 | Food Service Contractors | IL and IG |
| 72233 | Mobile Food Services | IL and IG |
| 722511 | Full-Service Restaurants | CIV and ONT |
| 722513 | Limited-Service and Fast Food Restaurants | ONT and OS-R |
| 722514 | Cafeterias and Buffets | ONT and OS-R |
| 722515 | Snack and Nonalcoholic Beverage Bars | ONT and OS-R |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|---|---|--|
| 81 | Other Services (Except Public Administration) | |
| 811111 | Motor Vehicle Repair and Maintenance - Service Facilities | CCS |
| 811111 | General Repair Facilities - Automobiles, Light Trucks, and Vans | IL |
| 811182 | Mobile Washing and Detailing Services | IL and IG |
| 811198 | Emissions Testing (test only facilities) | CN, CC, and IL |
| 811198 | Rustproofing and Undercoating Shops | IG and IH |
| 811198 | Spray-On Bedliner Installation Shops | IG and IH |
| 811198 | Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed use) | AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, CN, CC, OL, MU-1, IL, IG, IH, AG, CIV, MHP, ONT, OS-C, OS-R, RC, and UC |
| 812199 | Color Consulting Services | CN, CC, and MU-1 |
| 812199 | Hair Removal Services | CN, CC, and MU-1 |
| 812199 | Hair Replacement Services | CN, CC, and MU-1 |
| 812199 | Make-Up Salons | CN, CC, and MU-1 |
| 812210 | Funeral Director Services (office/retail only) | CN, IL, IG and IH |
| 812210 | Funeral Parlors, and Mortuary and Embalming Services (excludes funeral establishments) | IL, IG and IH |
| 81292 | Photofinishing | CN, CC, and MU-1 |
| 812990 | Funeral Planning Services (office only -- excludes preparation of the dead for burial, interment, or cremation, and the conducting of funeral services) | CN, CC, OL, and MU-1 |
| 812990 | Party Planning Services | CCS and OL |
| 812990 | Personal Fitness Trainer | CN, CC, OL, IL, and IG |
| 92 | Public Administration | |
| 921 | Executive, Legislative, and Other General Government Support | ONT |
| 92211 | Courts | CIV |
| 92212 | Police Protection (limited to stations, substations and storefront facilities) | ONT |
| 92213 | Legal Counsel and Prosecution | CC, CCS, MU-1, and CIV |
| 92215 | Parole Offices and Probation Offices | CIV |
| 92216 | Fire Protection | ONT |
| 923 | Administration of Human Resource Programs (administrative offices for education, public health and veteran affairs, and other similar facilities) | CC, OL, MU-1, and CIV |
| LAND USES CHANGED FROM PROHIBITED [---] TO CONDITIONALLY PERMITTED [C] | | |
| | Residential | |
| | Exotic Pets | AR-2, RE-2, and AG |
| | Single Room Occupancy (SRO) Facilities | HDR-45 |
| 11 | Commercial Agriculture | |
| 11292 | Horses and Other Equine Production | AG |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|------------------------------|--|---------------------------------|
| 11293 | Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar fur-bearing animals) | AG |
| 112990 | Kennels and Catteries -- 8 or more animals | IL |
| 22 | Utilities | |
| 221111 | Hydroelectric Power Generation | IH |
| 221114, 221115 | Solar and Wind Electric Power Generation | UC |
| 221116, 221117, 221118 | Geothermal, Biomass, and All Other Power Generation | IH |
| 22112 | Electric Power Transmission | IH |
| 31-33 | Manufacturing | |
| 32532 | Pesticide and Other Agricultural Chemical Manufacturing | IH |
| 3256 | Paint, Coating, and Adhesive Manufacturing | IG |
| 331 | Primary Metal Manufacturing | IG |
| 332812 | Painting, Powder Coating, and Polishing Metal and Metal Products for the Trade | IL |
| 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing | IL |
| 333 | Machinery Manufacturing | IL |
| | Boutique Manufacturing | CC and MU-1 |
| 42 | Wholesale Trade | |
| 424690 | Fireworks and Explosives | |
| 424690 | Industrial Gases and Liquefied Gases (except petroleum gases) | IG and IH |
| 424710 | Petroleum Bulk Stations and Terminals | IG and IH |
| 424720 | Petroleum and Petroleum Products | IG and IH |
| 425110 | Business to Business Electronic Markets (internet and other electronic means) | ONT |
| 425120 | Automobile Auctions, Wholesale | IG and IH |
| 44-45 | Retail Trade | |
| 445 | Alcoholic Beverage Sales for Off-Premise Consumption | ONT |
| 445230 | Farmers Markets and Certified Farmers Markets | CN, CCC, AG, CIV and OS-R |
| 4453 | Beer, Wine and Liquor Stores | CIV |
| 447190 | Automated Fueling Facilities ("card lock" facilities) | IL |
| 453310 | Flea Markets and Swap Meets (indoor only) | CC |
| 453310 | Precious Metals, Gemstones, Jewelry, and Similar Merchandise | CC |
| 453310 | Personal Property Donation Bins | CN and CC |
| 453930 | Manufactured Home Dealers -- Indoor Display of Homes | IG and IH |
| 453998 | Auction Houses | MU-1 and IL |
| 454312 | Fuel Dealers (liquefied petroleum gas) | IG |
| 48-49 | Transportation and Warehousing | |
| 482 | Railroad Equipment Maintenance Yards | IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|-------------------|---|---|
| 4851 | Urban Transit Systems | CC, CCC, CCS, OL, MU-1, IL, IG, IH, AG, CIV, MHP, ONT, OS-C, OS-R, RC, and UC |
| 4882 | Support Activities for Rail Transportation | IG and RC |
| 488490 | Bus Passenger Terminals | CC, CCS, and IG |
| 493190 | Motor Vehicle Storage -- Outdoor Vehicle Storage | IG and UC |
| 51 | Information | |
| 515120 | Radio and Television Transmission /Antenna Facilities | IL, IG, and IH |
| 5171 | Wired Telecommunications Facilities | AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, and CS |
| 5174 | Satellite Facilities | IL, IG, and IH |
| 5179 | All Other Telecommunications | IL, IG, and IH |
| 51912 | Libraries and Archives | AR-2 and RE-2 |
| 53 | Real Estate, Rental, and Leasing | |
| 531120 | Banquet Facilities (standalone facilities) | CC |
| 56 | Administrative and Support, and Waste Management and Remediation Services | |
| 562920 | Material Salvage Facilities -- Commercial High Grade Wastes | IH |
| 562920 | Material Salvage Facilities -- Construction Debris | IH |
| 562920 | Material Salvage Facilities -- Electronic Equipment and Component Waste (E-Waste) | IL |
| 562920 | Municipal Mixed Solid Wastes | IH |
| 562920 | Tires | IH |
| 62 | Health Care and Social Assistance | |
| 6231 | Nursing Care Facilities | MHP |
| 6232 | Residential Mental Retardation, Mental Health and Substance Abuse Facilities -- More than 6 persons | MHP |
| 6233 | Community Care Facilities for the Elderly -- More than 6 persons | MHP |
| 6239 | Other Residential Care Facilities -- More than 6 persons | MHP |
| 624120 | Adult Day Care Services -- -- 7 or More Persons | MDR-11, MDR-18, MDR-25, CN, CC, OL, MU-1, and AG |
| 624221 | Emergency Shelters | MHP |
| 624221 | Transitional Living Centers | IL, IG, and IH |
| 6243 | Vocational Rehabilitation Services | IL |
| 624410 | Child Day Care Centers - Commercial Facilities | MHP |
| 71 | Arts, Entertainment and Recreation | |
| 71211 | Museums | MPH |
| 713990 | Batting Cages -- Indoor | IL |
| 713990 | Batting Cages -- Outdoor | IL |
| 713990 | Shooting Ranges and Galleries | IL |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|--|---|---|
| 713990 | Simulated Racing (limited to go-carts, radio controlled vehicles and other similar facilities) | IL and IG |
| 72 | Accommodation and Food Services | |
| 721191 | Bed-and Breakfast Inns | CC and MHP |
| 722 | Alcoholic Beverage Sales for On-Premise Consumption (except drinking places) | ONT and OS-R |
| 7224 | Drinking Places (includes bars, cocktail lounges, nightclubs and taverns, and other similar facilities) | ONT |
| 81 | Other Services (except Public Administration) | |
| 812199 | Body Art Services (tattooing, body piercing, and branding) | CCS |
| 812210 | Funeral Establishments | CN |
| 812220 | Crematories | IG and IH |
| 812910 | Pet Boarding and Sitting Services, and Shelters | CN, CC, and MU-1 |
| 812930 | Parking Lots and Garages (commercial) | CCC |
| 812990 | Astrology, Fortunetelling, Numerology, Palmistry, Phrenology, and Psychic Reading Services | CC |
| 812990 | Wedding and Funerary Chapels (excludes religious assembly) | CN, CC, and MU-1 |
| 813110 | Religious Assembly | MHP |
| 813110 | Monasteries, Convents and Other Similar Facilities | CC, MU-1, and MHP |
| 8132, 8133, 8134, 8139 | Grantmaking and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations -- Assembly Facilities | CC, OL, and MU-1 |
| LAND USES CHANGED FROM PROHIBITED [---] TO ADMINISTRATIVELY PERMITTED [A] | | |
| | Residential | |
| | Community Gardens, Urban Farms, and Related Uses | AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, CN, CC, OL, MU-1, IL, IG, IH, AG, CIV, MHP, OS-C, OS-R, and UC |
| 62 | Health Care and Social Assistance | |
| 624410 | Family Child Day Care -- Large Family (7 to 14 children) | MU-1 and MHP |
| 72 | Accommodation and Food Services | |
| 7213 | Boarding, Lodging, and Rooming Houses | MHP |
| | Temporary and Interim Land Uses, Buildings, and Structures | |
| | Temporary and Interim Land Uses, Buildings, and Structures | OL, MHP, and ONT |
| | Temporary and Interim Buildings, Structures, and Facilities -- Fewer than 5 years | OL, MHP, and ONT |
| LAND USES CHANGED FROM PERMITTED [P] TO CONDITIONALLY PERMITTED [C] | | |
| 32 | Manufacturing | |
| 3262 | Rubber Product Manufacturing | IH |
| 332992 | Small Arms Ammunition Manufacturing | IH |
| 332993 | Ammunition (except Small Arms) Manufacturing | IH |
| 332994 | Small Arms -- Other Ordnance and Accessories Manufacturing | IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|---|--|---------------------------------|
| 44-45 | Retail Trade | |
| 441120 | Automobile Dealers, limited to new and used automobiles, and light trucks and vans -- Used Vehicles | CC |
| 441229 | All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles) | IL |
| 53 | Real Estate, Rental and Leasing | |
| 53212 | Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing | IL |
| 5324 | Commercial and Industrial Machinery and Equipment Rental and Leasing | IH |
| 71 | Arts, Entertainment and Recreation | |
| 711 | Performing Arts, Spectator Sports, and Related Industries | CCC |
| 71394 | Fitness and Recreational Sports Centers -- GFA 10,000 SF or more | CC |
| 72 | Accommodation and Food Services | |
| 721191 | Bed-and Breakfast Inns | MDR-11, MDR-18 and MDR-25 |
| 81 | Other Services (except Public Administration) | |
| 812221 | Mobile Body and Paint Repair Services | IL |
| 812220 | Crematories | OS-C |
| LAND USES CHANGED FROM PERMITTED [P] TO PROHIBITED [---] | | |
| 11 | Commercial Agriculture | |
| 112990 | Kennels and Catteries -- Fewer than 8 animals | IH |
| 112990 | Kennels and Catteries -- 8 or more animals | IH |
| 44-45 | Retail Trade | |
| 441120 | Automobile Dealers, limited to new and used automobiles, and light trucks and vans -- Used Vehicles | CCS |
| 443 | Electronics and Appliance Stores | CCC and CCS |
| 444 | Building Materials, Garden Equipment and Supplies Stores | CN |
| 446110 | Pharmacies and Drug Stores | CCC and CCS |
| 448 | Clothing and Clothing Accessories Stores | CS |
| 4531 | Florists | CCC |
| 4532 | Office Supplies, Stationery, and Gift Stores | CCC |
| 453920 | Art Dealers | OL |
| 48 | Transportation and Warehousing | |
| 482 | Railroad Passenger Terminals (limited to line haul) | OL |
| 4853 | Taxi and Limousine Services | IL |
| 4855 | Taxi Services | IL |
| 492 | Couriers and Messengers | CC, CCC, CCS, and IH |
| 493190 | Lumber Storage | IL |
| 493190 | Self-Storage Facilities (includes one Caretaker Quarters) | IH |

EXHIBIT C: Proposed Land Use Changes

| NAICS Code | Land Use | Affected Zoning District |
|-------------------|---|---------------------------------|
| 51 | Information | |
| 518 | Data Processing, Hosting and Related Services | IH |
| 52 | Finance and Insurance | |
| 5222 | Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, except pawnshops and pawn brokers) | CN and CCS |
| 54 | Professional, Scientific, and Technical Services | |
| 541940 | Veterinary and Animal Hospital Services | IL |
| 56 | Administrative and Support, and Waste Management and Remediation Services | |
| 561439 | Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales) | IL, IG and IH |
| 5617 | Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services) | IH |
| 5619 | Other Support Services (limited to packaging and labeling services, convention and trade show organizers, and document shredding services) | IH |
| 562111 | Waste, Refuse and Garbage Collection Services (service yards) | IL |
| 71 | Arts, Entertainment and Recreation | |
| 71394 | Fitness and Recreational Sports Centers -- GFA less than 10,000 SF | OL, IL, IG and IH |
| 71394 | Fitness and Recreational Sports Centers -- GFA 10,000 SF or more | OL |
| 713990 | Batting Cages -- Indoor | CC, IH, CIV and OS-R |
| 713990 | Batting Cages -- Outdoor | IH |
| 713990 | Skating Rinks and Parks (indoor only) | OS-R |
| 72 | Accommodation and Food Services | |
| 72232 | Caterers | CN and IG |
| 722511 | Full-Service Restaurants | CS, IL, IG, and IH |
| 81 | Other Services (except Public Administration) | |
| 811111 | Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts) | IG and IH |
| 811111 | Automobile, Light Truck and Van Repair and Maintenance | IH |
| 811121 | Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization | IH |
| 811121 | Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work permitted) | IH |
| 811122 | Automotive Glass Replacement Shops (limited to stationary and mobile services) | CCC, CCS and IH |
| 811191 | Automotive Oil Change and Lubrication Shops | IL, IG and IH |
| 811192 | Car Washes -- Automobiles, Light Trucks and Vans | CN, CCS, MU-1, IL, IH and IG |
| 8112 | Electronic and Precision Equipment Repair and Maintenance | CN, CC, CCS, MU-1 and IH |
| 81141 | Home and Garden Equipment and Appliance Repair and Maintenance | IG and IH |
| 81142 | Reupholstery and Furniture Repair | MU-1 and IH |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|--|---|---------------------------------|
| 81143 | Footwear and Leather Goods Repair | CS |
| 81149 | Other Personal and Household Goods Repair and Maintenance (limited to garment alteration and repair, jewelry repair, key duplicating, musical instrument repair and tailor shops) | CS |
| 81211 | Hair, Nail, and Skin Care Services | CS and CCS |
| 812191 | Diet and Weight Reducing Centers | CCS |
| 812199 | Day Spas | CS and CCS |
| 812199 | Tanning Salons | CS, CCS and OL |
| 812210 | Funeral Parlors, and Mortuary and Embalming Services (excludes funeral establishments) | CC |
| 81231 | Coin-Operated Laundries and Drycleaners | CCS |
| 812332 | Industrial Launderers | CC |
| 81293 | Parking Lots and Garages (commercial) | OL |
| 8132, 8133, 8134, 8139 | Grantmaking and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations -- Offices only | CN, CCS and IH |
| 92 | Public Administration | |
| 921 | Executive, Legislative, and Other General Government Support | CN and CCS |
| LAND USES CHANGED FROM CONDITIONAL USE PERMIT [C] TO PROHIBITED [---] | | |
| | Residential | |
| | Single Room Occupancy (SRO) Facilities | CCC |
| 11 | Commercial Agriculture | |
| 111 | Commercial Crop Production and Farming | RE-4 and LDR-5 |
| 1121 | Cattle Ranching and Farming | AR-2 and RE-2 |
| 112990 | Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration) -- 8 or more animals | CC |
| 31-33 | Manufacturing | |
| 325414 | Biological Product Manufacturing | IL |
| 332992 | Small Arms Ammunition Manufacturing | IG |
| 332993 | Ammunition (except Small Arms) Manufacturing | IG |
| 332994 | Small Arms, Ordnance, and Ordnance Accessories Manufacturing -- Other Ordnance and Accessories Manufacturing | IG |
| 44-45 | Retail Trade | |
| 4411 | Automobile Dealers, limited to new and used automobiles, and light trucks and vans (includes vehicle sales, and ancillary motor vehicle repair and maintenance activities) -- New and Used Vehicles | IG |
| 441221 | Recreational Vehicles, Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles | IG |
| 441229 | All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles) | CC |
| 447190 | Self-Serve and Full Service Fueling Stations | OL and MU-1 |
| 447190 | Automated Fueling Facilities ("card lock" facilities) | CC |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|---|--|-------------------------------------|
| 453998 | All Other Miscellaneous Store Retailers -- Auction Houses | IG |
| 48-49 | Transportation and Warehousing | |
| 482 | Railroad Passenger Terminals (limited to line haul) | CC, CCC, CCS, IG, and IH |
| 448410 | Towing Services | CC |
| 493110 | General Warehousing and Storage -- Outside Materials and Equipment Storage -- As a primary use of property | IL |
| 493190 | Outdoor Motor Vehicle Storage | IL |
| 493190 | Self-Storage Facilities (includes one Caretaker Quarters) | CN |
| 51 | Information | |
| 51213 | Motion Picture and Video Exhibition (movie theaters) | CCC |
| 52 | Finance and Insurance | |
| 5221 | Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions) | CS |
| 5222 | Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, except pawnshops and pawn brokers) | CS |
| 52231 | Mortgage and Nonmortgage Loan Brokers | CS |
| 52239 | Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services) | CCS |
| 54 | Professional, Scientific and Technical Services | |
| 541940 | Veterinary and Animal Hospital Services | AR-2 and RE-2 |
| 56 | Administrative And Support, And Waste Management And Remediation Services | |
| 562112 | Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities) | IG |
| 562112 | Hazardous Waste Collection Services | IG |
| 62 | Health Care and Social Assistance | |
| 6211, 6212, 6213, 6214, 6215, 6216 | Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics | CCS |
| 622 | Hospitals | CCS and OL |
| 6231 | Nursing Care Facilities | MDR-11, MDR-18, MDR-25, OL and MU-1 |
| 62421 | Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens) | CC, IH and CIV |
| 62443 | Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities) | CN, CCS, OL and MU-1 |
| 624410 | Child Day Care Centers (commercial) | IL and IG |
| 71 | Arts, Entertainment and Recreation | |
| 711 | Performing Arts, Spectator Sports, and Related Industries | CN |
| 71311 | Amusement and Theme Parks | IH |
| 71312 | Amusement Arcades (limited to video and electronic game arcades, cyber cafes and on-line and internet gaming facilities) | CN and MU-1 |

EXHIBIT C: Proposed Land Use Changes

| <i>NAICS Code</i> | <i>Land Use</i> | <i>Affected Zoning District</i> |
|-------------------|---|---|
| 71391 | Golf Courses and Country Clubs | AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, CN, CC, IG, IH and CIV |
| 71394 | Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities) -- GFA 10,000 SF or more | IH and OS-R |
| 71395 | Bowling Centers | CN |
| 713990 | Batting Cages -- Outdoor | CC |
| 713990 | Billiard Parlors and Pool Halls | CN |
| 713990 | Dancing, Dance Clubs, Dance Halls, Ballrooms and Discotheques | CN, CCS, IL, IG and IH |
| 713990 | Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges | CC, IG, IH and CIV |
| 713990 | Live Entertainment | IL, IG, and IH |
| 713990 | Off-Road Vehicle Riding Facilities (recreational) | OS-R |
| 713990 | Shooting Ranges and Galleries | IH |
| 713990 | Simulated Shooting Games -- Indoor Only (limited to laser tag and paint ball) | CN, MU-1, and IL |
| 713990 | Skating Rinks and Parks (indoor only) | IL, IG, and IH |
| 81 | Other Services (except Public Administration) | |
| 811121 | Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization | CC |
| 811191 | Automotive Oil Change and Lubrication Shops | CCS |
| 811192 | Car Washes--Full-Service and Self-Service (limited to washing, cleaning and detailing services) -- Trucks and similarly large vehicles | CC |
| 81141 | Home and Garden Equipment, and Appliance Repair and Maintenance | CC |
| 81142 | Reupholstery and Furniture Repair | CC |
| 812210 | Funeral Parlors, and Mortuary and Embalming Services (excludes funeral establishments) | MU-1 |
| 81293 | Parking Lots and Garages (commercial) | IL |
| 813110 | Religious Assembly | OL, IL, IG and AG |

CITY OF ONTARIO

**ADDENDUM TO THE CERTIFIED ENVIRONMENTAL
IMPACT REPORT FOR THE ONTARIO PLAN; RE: A
DEVELOPMENT CODE AMENDMENT TO ESTABLISH
DEVELOPMENT CODE CONSISTENCY WITH THE
ONTARIO PLAN**

PROJECT INFORMATION:

- 1. Project Title:** Development Code Amendment (File No. PDCA11-003) development code consistency with The Ontario Plan (TOP); submitted by the City of Ontario.

- 2. Lead Agency Name and Address:** City of Ontario,
303 East "B" Street
Ontario, CA 91764

- 3. Contact Person(s) and Phone** Scott Murphy, Planning Director

- 4. Project Location:** Citywide within the City of Ontario, County of San Bernardino.

BACKGROUND:

On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation that consists of six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a general plan and contains nine elements; Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design and Social Resources.

An Environmental Impact Report (EIR) was prepared for TOP and certified (SCH # 2008101140) by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, in the policy plan and impacts resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included; agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise and transportation/traffic.

PROJECT DESCRIPTION:

The City is proposing a comprehensive update to the City of Ontario Development Code (Ontario

Municipal Code Title 9) to establish consistency with The Ontario Plan, and various amendments to the Ontario Municipal Code to provide for the logical arrangement of provisions and eliminate duplications and inconsistencies. Furthermore, Development Code Amendment provisions will be revised to:

- Establish standards for the orderly physical development of the City;
- Preserve the character and quality of existing neighborhoods;
- Promote good urban design;
- Achieve the proper arrangement of land uses envisioned in The Ontario Plan;
- Provide for the establishment of a full range of residential, commercial agriculture, office, commercial, industrial, public, and transportation-related activities, as envisioned by The Ontario Plan;
- Promote the economic stability of land uses that conform to The Ontario Plan;
- Achieve compatibility between Ontario International Airport and the land uses and new development that surround it;
- Establish comprehensive procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, and provide for the processing of applications in an expedient manner;
- Establish procedures for the open and transparent processing of applications;
- Establish standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape, and infrastructure design;
- Promote the preservation and protection of the City's historic character and resources;
- Promote safe and efficient pedestrian and traffic circulation systems, and ensure that new development will not overburden the capacity of existing streets, utilities, or community facilities and services; and
- Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements necessary to serve new developments, are borne by subdividers and developers rather than by the taxpayers of the City.

The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) and Mitigation Monitoring Program, certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts. 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 ONT Airport Land Use Compatibility Plan (ALUCP).

ANALYSIS:

According to the California Environmental Quality Act Guidelines Section 15164, an Addendum to a previously certified EIR may be used if some changes or additions are necessary, but none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration are needed for further discretionary approval. These findings are described below:

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the project and will not require revisions to TOP EIR. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan. The proposed Development Code Amendment is consistent with TOP land use designations that were already analyzed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the project was undertaken, that would require major revisions to TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

3. *Required Finding. No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been provided that would indicate the proposed project would result in any new significant effects not previously discussed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

CEQA REQUIREMENTS FOR AN ADDENDUM:

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the negative declaration are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the TOP EIR.

CONCLUSION:

The Ontario Plan Environmental Impact Report (TOP EIR), certified in January 27, 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The proposed development code amendment is to create consistency with TOP. Subsequent activities within TOP Program EIR must be evaluated to determine whether an additional CEQA document needs to be prepared.

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines section 15164, the Council hereby adopts this Addendum to TOP EIR.

California Environmental Quality Act Environmental Checklist Form

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



Project Title/File No.: PDCA11-003

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Richard Ayala, (909)395-2036

Project Sponsor: City of Ontario, 303 E. B Street, Ontario, CA 91764

Project Location: City-Wide within the City of Ontario. The City is generally bounded by Benson Avenue and Euclid Avenue on the west; Interstate 10 (I-10), 8th Street, and 4th Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. Regional circulation to and through the City is provided by I-10 and State Route 60 (SR-60) east–west, and by I-15 and SR-83 (Euclid Avenue) north–south, located in the county of San Bernardino.

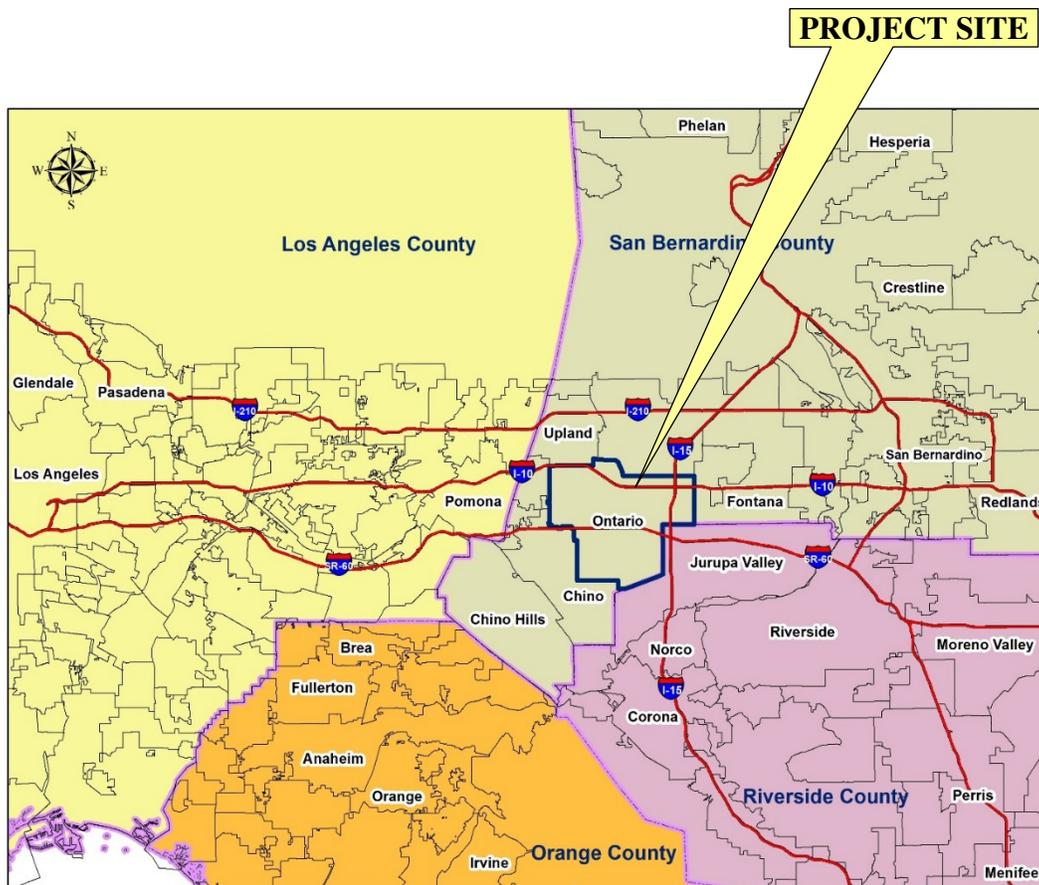


Figure 1—REGIONAL LOCATION MAP

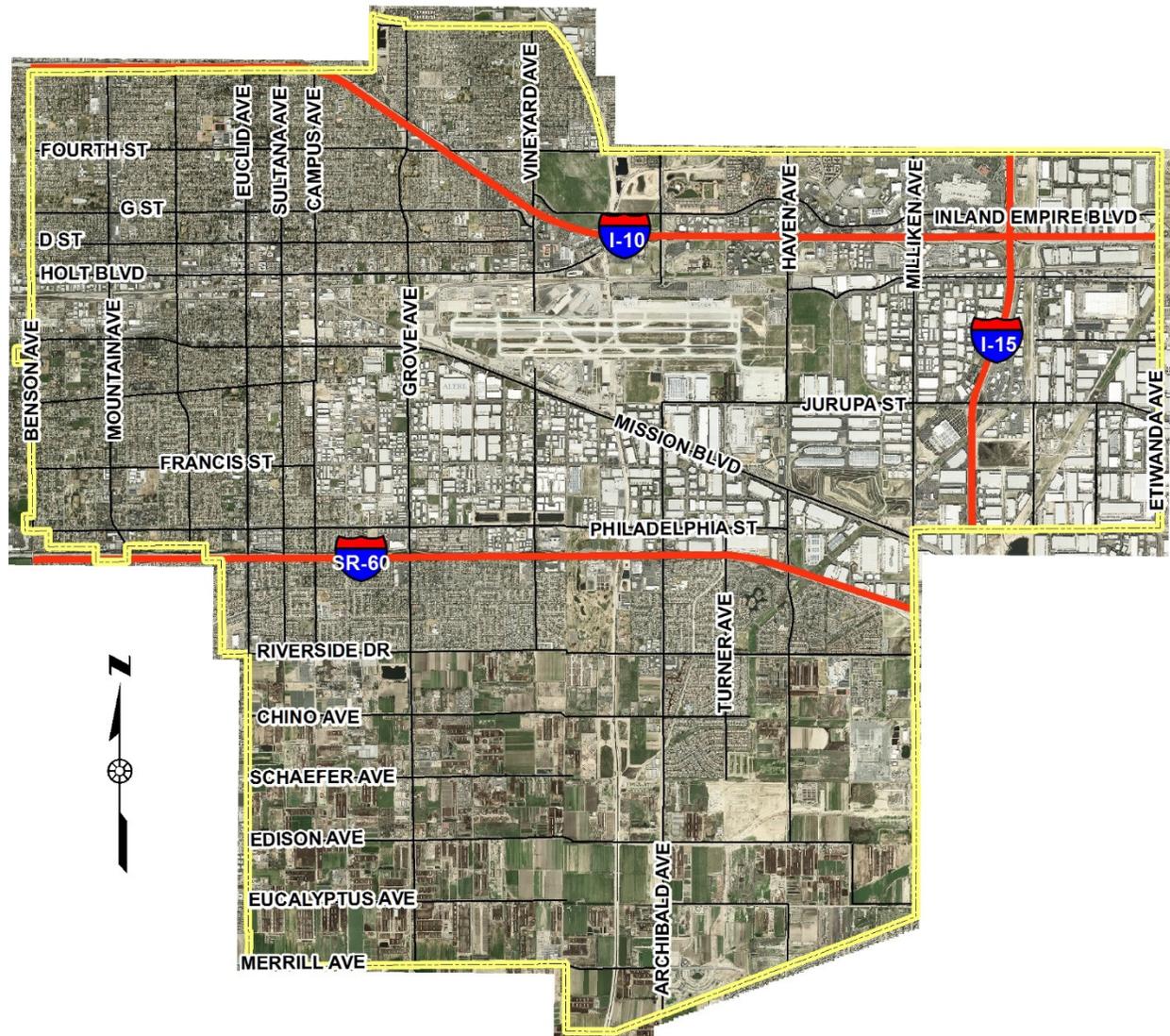


Figure 2— AERIAL PHOTOGRAPH

General Plan Designation: Varies

Zoning: Varies

Background: On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation that consists of six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a general plan and contains nine elements; Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design and Social Resources.

An Environmental Impact Report (EIR) was prepared for TOP and certified (SCH # 2008101140) by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, in the policy plan

and impacts resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included; agriculture resources, air quality, cultural resources, green house gas emissions, noise and transportation/traffic.

Project Description: The City is proposing a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan, and various amendments to the Ontario Municipal Code to provide for the logical arrangement of provisions and eliminate duplications and inconsistencies. Furthermore, Development Code Amendment provisions will be revised to:

- Establish standards for the orderly physical development of the City;
- Preserve the character and quality of existing neighborhoods;
- Promote good urban design;
- Achieve the proper arrangement of land uses envisioned in The Ontario Plan;
- Provide for the establishment of a full range of residential, commercial agriculture, office, commercial, industrial, public, and transportation-related activities, as envisioned by The Ontario Plan;
 - Promote the economic stability of land uses that conform to The Ontario Plan;
 - Achieve compatibility between Ontario International Airport and the land uses and new development that surround it;
 - Establish comprehensive procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, and provide for the processing of applications in an expedient manner;
 - Establish procedures for the open and transparent processing of applications;
 - Establish standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape, and infrastructure design;
 - Promote the preservation and protection of the City's historic character and resources;
 - Promote safe and efficient pedestrian and traffic circulation systems, and ensure that new development will not overburden the capacity of existing streets, utilities, or community facilities and services; and
 - Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements necessary to serve new developments, are borne by subdividers and developers rather than by the taxpayers of the City.

The proposed Development Code Amendment will amend the City's Development Code in order to reflect policies and implementation measures specified in the TOP and, pursuant to Section 65860 of the Government Code, providing consistency between zoning ordinances and general plans.

Project Setting: As illustrated in Figure 1, the Project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County.

As illustrated in Figure 2, the City comprises approximately 50 square miles (31,958 acres), which includes the 8,200-acre New Model Colony (NMC) in the southern portion of the City (formerly the City's Sphere of Influence) and the northern urbanized portion of the City known as the Old Model Colony (OMC). The City is generally bounded by Benson Avenue and Euclid Avenue on the west; Interstate 10 (I-10), 8th Street, and 4th Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. Regional circulation to and through the City is provided by I-10 and State Route 60 (SR-60) east-west, and by I-15 and SR-83 (Euclid Avenue) north-south.

Surrounding Land Uses:

| | <u>Zoning</u> | <u>Current Land Use</u> |
|----------|---------------|-------------------------|
| ▪ North— | Varies | Varies |
| ▪ South— | Varies | Varies |
| ▪ East— | Varies | Varies |
| ▪ West— | Varies | Varies |

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement):
 None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required,

but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Ontario Plan (TOP) Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified TOP EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified TOP EIR prepared for this project was used as a basis for this Addendum, nothing further is required.

Signature

June 10, 2015

Date

Richard Ayala, Senior Planner

Printed Name

City of Ontario Planning Department

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential

impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

EVALUATION OF ENVIRONMENTAL IMPACTS

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 1) AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project: | | | | |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 4) BIOLOGICAL RESOURCES. Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) CULTURAL RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 6) GEOLOGY AND SOILS. Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) GREENHOUSE GAS EMISSIONS. Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9) HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
| a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Expose people or structures to inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 10) LAND USE AND PLANNING. Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11) MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12) NOISE. Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 13) POPULATION AND HOUSING. Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14) PUBLIC SERVICES. Would the project: | | | | |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15) RECREATION. Would the project: | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 16) TRANSPORTATION/TRAFFIC. Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17) UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18) MANDATORY FINDINGS OF SIGNIFICANCE | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|--|-------------------------------------|------------------|
| <p>Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; <i>Eureka Citizens for Responsible Govt. v. City of Eureka</i> (2007) 147 Cal.App.4th 357; <i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th at 1109; <i>San Franciscans Upholding the Downtown Plan v. City and County of San Francisco</i> (2002) 102 Cal.App.4th 656.</p> | | | | |

EXPLANATION OF ISSUES

The project under consideration proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan, and various amendments to the Ontario Municipal Code to provide for the logical arrangement of provisions and eliminate duplications and inconsistencies for properties in the City of Ontario. Furthermore, Development Code Amendment provisions will be revised to:

- Establish standards for the orderly physical development of the City;
- Preserve the character and quality of existing neighborhoods;
- Promote good urban design;
- Achieve the proper arrangement of land uses envisioned in The Ontario Plan;
- Provide for the establishment of a full range of residential, commercial agriculture, office, commercial, industrial, public, and transportation-related activities, as envisioned by The Ontario Plan;
- Promote the economic stability of land uses that conform to The Ontario Plan;
- Achieve compatibility between Ontario International Airport and the land uses and new development that surround it;
- Establish comprehensive procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, and provide for the processing of applications in an expedient manner;
- Establish procedures for the open and transparent processing of applications;
- Establish standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape, and infrastructure design;
- Promote the preservation and protection of the City’s historic character and resources;
- Promote safe and efficient pedestrian and traffic circulation systems, and ensure that new development will not overburden the capacity of existing streets, utilities, or community facilities and services; and
- Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements necessary to serve new developments, are borne by subdividers and developers rather than by the taxpayers of the City.

Here, the project does not permit construction of new structures, nor the introduction of any new uses that were not part of the project description in TOP EIR. Therefore, the project will not introduce any impacts beyond those previously analyzed in TOP EIR.

1. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?

Discussion of Effects: The proposed Project will not have a significant adverse effect aesthetically. As provided in TOP EIR, the City of Ontario’s physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel

Mountains. The project under consideration proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. The Project does not permit construction of new buildings and so does not conflict with Policy CD1-5 as it will not alter existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?

Discussion of Effects: As provided in TOP EIR, the City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east–west direction. I-15 traverses the northeastern portion of the City in a north–south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. Remnants of native vegetation are virtually absent. The general aesthetic character of this project area within OMC is urban and within NMC is predominantly agricultural. Because the project under consideration proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan, it will not disturb historic buildings or any scenic resources identified on or in the vicinity of the Project area. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and general plan. No impact on scenic resources would occur as a result of implementation of the Project and no mitigation measures would be required. In addition, TOP EIR provides that compliance with TOP Policy CD1-5, CD2-5 and CD4-2 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect scenic resources.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Discussion of Effects: As concluded in TOP EIR, implementation of The Ontario Plan would change the existing visual character but the impacts are not considered significant because The Ontario Plan policies of the Community Design Element have the common goal of improving the visual quality of the area by developing guidelines to improve future development projects. In addition, Title 9: Development Code of the City’s Municipal Code, requires that individual development projects submit to site-specific review pursuant to the City of Ontario processes. These design guidelines and standards would regulate the features of buildings and streets that affect the public realm and would guide the physical development of any development project within the City’s boundaries. Therefore, The Ontario Plan would not substantially degrade the visual character or quality of the City of Ontario. Implementation of the Project would not substantially degrade the existing visual character or quality of the site and its surroundings, as the Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, TOP EIR provides that compliance with TOP Policy CD1-5, CD2-5 and CD4-2 in the Community Design Element will avoid significant impacts to the existing visual character or quality of the site and its surroundings.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to

TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Discussion of Effects: The proposed Project in itself will not increase the amount of light and glare within the City, since it only proposes a Development Code Amendment in order to be consistent with TOP. In addition, as concluded in TOP EIR, adherence to the design standards of the City of Ontario Development Code (Section 9-1.3325, *Light, Glare, and Heat*) and Downtown Ontario Design Guidelines would ensure that light and glare from new developments would be minimized and that significant impacts would not occur. Therefore, the Project will not result in any new, increased or substantially different impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Discussion of Effects: The area of the City known as the NMC is in the County of San Bernardino Agricultural Preserve. Implementation of the Project in itself would not convert prime farmland to non-agricultural use other than as addressed in TOP FEIR. The entire NMC area will cause the loss of rural and agricultural landscape, to be replaced by urban landscape. However, impacts to agricultural lands have been sufficiently addressed in TOP FEIR. The TOP EIR provides that compliance with TOP Policy ER5-2 and ER5-3 in the Environmental Resources Element will avoid significant impacts to loss of farmland. No new impacts beyond those identified in TOP FEIR would result from project implementation.

Mitigation: None required.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Discussion of Effects: Many of the agricultural properties in the NMC area are currently under Williamson Act contracts. This impact has been addressed in TOP FEIR and the Project would not result in new or further impacts to Williamson Act lands in the project area. This impact has been addressed in the Ontario TOP FEIR (see TOP FEIR, Section 5.2-2). No new impacts beyond those identified in TOP FEIR would result from project implementation.

Mitigation: None required

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Discussion of Effects: The City of Ontario does not have any land zoned for forest, timberland, or timberland production.

Mitigation: None required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, the proposed Project would not result in the loss or conversion of forest land.

Mitigation: None required

e) Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion of Effects: Implementation of the Project would not result in changes to the existing environment other than those previously addressed in TOP FEIR. While conversion of farmland increases the potential for adjacent areas to also be converted from farmland to urban uses, the Project does not directly result in conversion of farmland. No new cumulative impacts beyond those identified in TOP FEIR would result from Project implementation. The potential for growth inducement due to extension of utility systems into the City is addressed in TOP FEIR.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. TOP EIR provides that compliance with TOP Policy ER5-2 and ER5-3 in the Environmental Resources Element will avoid significant impacts to loss of farmland. Thus, the proposed Project would not result in conversion of forest land to non-forest use.

Mitigation Required: None required.

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP FEIR. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. TOP FEIR has addressed short-term construction impacts, however, and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent

with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies of TOP.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Discussion of Effects: The City is located in a non-attainment region of SCAB and buildout of the City will contribute to air quality degradation. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. In addition, air quality impacts from City buildout have already been evaluated and would be mitigated by Mitigation Measure 3-1 identified in TOP FEIR. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies of TOP.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies of TOP.

d) Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: As discussed in Section 5.3 of TOP FEIR, the proposed Project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies

of TOP.

e) Create objectionable odors affecting a substantial number of people?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. The Project will create no significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies of TOP.

4. BIOLOGICAL RESOURCES. Would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The Project area is located within an area that has not been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. However, adequate mitigation (Policy ER5-1, as revised under TOP) would reduce the impacts of habitat loss to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Discussion of Effects: No federally protected wetlands as defined by Section 404 of the Clean Water Act in the Project area have been identified. In any event, adequate mitigation for impacts to water bodies is set

out for in TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. In addition, TOP FEIR requires implementation of regulatory and standard conditions of approval to mitigate for impacts to species and project-specific CEQA review will be undertaken at the appropriate time. Policy ER5-1 encourages efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Consequently, impacts would be less than significant

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will provide consistency between the established zoning ordinance and policy plan. The Project area will not conflict with any ordinances protecting biological resources.

Mitigation: None required.

6) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?

Discussion of Effects: There is one Habitat Conservation Plan in the City: a 19-acre area near the intersection of Greystone Drive and the eastern City boundary established to protect the DSFLF. Any development project proposed for development within this HCP pursuant to the Ontario Plan would be required to consult with the USFWS regarding project impacts on DSFLF and mitigation of any such impacts. However, implementation of the Project would not conflict with the HCP, due to the fact that the Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. The TOP EIR provides that compliance with TOP Policy ER5-1 and ER5-5 in the Environmental Resources Element will avoid significant impacts to conservation plans. Therefore, the Project will not conflict with the provisions of the adopted HCP. Therefore, it will not result in adverse environmental impacts

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

5. CULTURAL RESOURCES. Would the project:

1) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Discussion of Effects: Implementation of the Project would not cause a substantial adverse change in the significance of an historical resource as defined in §15064.5, due to the fact that the Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. In addition, Title 9, Chapter 1, Article 4, Section 9-1.0412 and 9-1.0413, and Article 26 of the City of Ontario Municipal Code protects sensitive historical resources of local interest. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable cultural resource related policies of TOP.

2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Discussion of Effects: TOP EIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City. Because archaeological resources are largely a buried resource and the site is currently undisturbed, the presence of fossils on the proposed site and their individual significance cannot be determined at this time. Adequate mitigation (Mitigation Measure C-1) has already been adopted by the City that would reduce impacts to cultural resources to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air cultural resource related policies of TOP.

3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion of Effects: TOP EIR (Section 5.5) indicates that no paleontological sites or resources have been recorded in the City. Because paleontological resources are largely a buried resource and the site is currently undisturbed below ground, the presence of fossils on the proposed site and their individual significance cannot be determined at this time. Adequate mitigation (Mitigation Measure 5-2) has already been adopted by the City that would reduce impacts to cultural resources to a less-than-significant level. No new impacts to cultural resources would result due to implementation of the Project. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable cultural resource related policies of TOP.

4) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion of Effects: No known human burial grounds are known to exist on, or in the vicinity of, the Project area. Because burial grounds are largely a buried resource and the site is currently undisturbed below ground, the presence of human remains on the proposed site and their individual significance cannot be determined at this time. Adequate mitigation (Mitigation Measure 5-2) has already been adopted by the City that would reduce impacts to cultural resources to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable cultural resource related policies of TOP.

6. GEOLOGY & SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

(ii) **Strong seismic ground shaking?**

(iii) **Seismic-related ground failure, including liquefaction?**

(iv) **Landslides?**

Discussion of Effects: Any occupied structure or facility developed in an area of high seismic risk, such as the southern California region, could expose people and property to seismic hazards. Furthermore, several regional faults, including the San Jacinto, Chino, Whittier, North Elsinore, and Cucamonga faults, are considered to be active within the region. All of these faults are capable of producing strong seismic ground shaking on site. Concerns with geological and seismic issues in the City has led to a Technical Background Report for Geology, Seismicity, and Soils, which was used in the preparation of TOP General Plan. The technical report revealed that upon implementation of regulatory requirements and standard conditions of approval the City would reduce geologic hazards impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation. In addition, the TOP EIR provides that compliance with TOP Policy S1-1 would require that all new habitable structures be designed in accordance with the most recent Building Code adopted by the City, including provisions regarding lateral forces and grading.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP.

b) Result in substantial soil erosion or the loss of topsoil?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the

established zoning ordinance and policy plan. Therefore, the Project in itself would not result in substantial soil erosions or the loss of topsoil. Nevertheless, adequate mitigation has already been adopted by the City that would reduce soil impacts to a less-than-significant level. In addition, with implementation of regulatory requirements (CBC requirements – Chapter 18) and standard conditions of approval would reduce soil impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The Project would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the Project is less than significant. TOP EIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The Project would not withdraw water from the existing aquifer. Further, implementation of TOP strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level. Chapter 18 of the CBC contains requirements for foundation and soils investigations; excavation, grading, and fill; load-bearing values of soils; and foundations, footings, and piles. The Project, which does not permit construction of new buildings, will not result in adverse impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP.

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: Some of the soils in the Project area, particularly in the southwest corner of the NMC, are susceptible to expansion. Concerns with geological and seismic issues in the NMC planning area has led to a Technical Background Report for Geology, Seismicity, and Soils, which was used in the preparation of TOP General Plan. Adequate mitigation has already been adopted by the City that would reduce geologic hazard impacts associated with expansive soils to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP. Chapter 18 of the CBC contains requirements for foundation and soils investigations; excavation, grading, and fill; load-bearing values of soils; and foundations, footings, and piles.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: Some of the soils in the Project area, particularly in the southwest corner of the

NMC, are susceptible to expansion. Concerns with geological and seismic issues in the NMC planning area has led to a Technical Background Report for Geology, Seismicity, and Soils, which was used in the preparation of TOP General Plan. The Project does not require the use or installation of septic tanks or alternative wastewater disposal systems. Adequate mitigation has already been adopted by the City that would reduce geologic hazard impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP.

7. GREENHOUSE GAS EMISSIONS. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: Implementation of the Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. As part of TOP EIR, the City conducted a greenhouse gas (GHG) emissions inventory for full buildout of the proposed land use plan. In addition, with mitigation measures 6-1, 6-2, 6-3, 6-4, 6-5, and 6-6 with regard to applicable plans, policies, or regulations for the reduction of GHG emissions would be less than significant due to TOPs achievement of AB 32's emission reduction goals. Therefore the Project will not introduce new GHG emissions beyond those previously analyzed in TOP EIR.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable GHG emissions related policies of TOP.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: Implementation of the Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. As part of TOP EIR, the City conducted a greenhouse gas (GHG) emissions inventory for full buildout of the proposed land use plan. In addition, with mitigation measures 6-1, 6-2, 6-3, 6-4, 6-5, and 6-6 with regard to applicable plans, policies, or regulations for the reduction of GHG emissions would be less than significant due to TOPs achievement of AB 32's emission reduction goals. Therefore the Project will not introduce new GHG emissions beyond those previously analyzed in TOP EIR.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable GHG emissions related policies of TOP.

8. HAZARDS & HAZARDOUS MATERIALS. Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. In addition, current federal and state regulations, City ordinances, and TOP policies would regulate the handling of hazardous substances to reduce potential releases; exposures; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hazards and hazardous materials related policies of TOP.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: Hazardous materials in the Project area are primarily associated with fuels (gasoline, diesel fuel, heating oil) and pesticides. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. In addition, current federal and state regulations, City ordinances, and TOP policies would regulate the handling of hazardous substances to reduce potential releases; exposures; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hazards and hazardous materials related policies of TOP.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different

impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hazards and hazardous materials related policies of TOP.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The proposed Project area is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5. Therefore, the Project will not result in adverse impacts. TOP contains policies and programs to ensure compliance with federal, state, and local regulations relating to hazardous waste. Policy S6-5 states that it is the policy of the City to regulate facilities that will be involved in the production, use, storage, transport, or disposal of hazardous materials, pursuant to federal, state, and local regulations so that impacts to the environment and sensitive land uses are mitigated.

Mitigation: None required.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The comprehensive Development Code Amendment will establish consistency with The Ontario Plan (Policy Plan), specifically Airport Planning Goal LU5 and Policy LU5-7 (ALUCP Consistency with Land Use Regulations). The proposed Amendment includes language within Chapter 2 (Administration & Procedures), Chapter 5 (Zoning & Land Use) and Chapter 6 (Development & Subdivision Regulations & Guidelines) requiring new development to be consistent with policies and criteria of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP). Since, the amendment is providing consistency with the ALUCP, future development located within any of the safety zones would be reviewed to incorporate safety measures for people living and residing within a safety zone. Furthermore, the amendment would not encourage levels of development in any area located within the City above those projected within The Ontario Plan, of which the environmental effects were already adequately analyzed. Therefore, there would be no impacts.

Mitigation: None required.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: There are no private airstrips in the City of Ontario that would result in a safety hazard for people residing or working in the Project area. Therefore, the Project will not result in adverse impacts.

Mitigation: None required.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The City's Safety Element, as contained within TOP, includes policies and procedures to be administered in the event of a disaster. TOP seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from everyday and disaster emergencies. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. There are a number of Policy Plan policies that encourage the

establishment and incorporation of emergency plans (Policies S8-1 through S8-5). These policies are meant to help agencies plan for emergencies, to educate staff and citizens about emergency response, and to improve coordination between departments and agencies. Therefore, impacts would be less than significant and no mitigation measures would be required.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable safety related policies of TOP.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Discussion of Effects: The project site is not located in or near wildlands. Therefore, the project will not result in adverse impacts.

Mitigation: None required.

9. HYDROLOGY & WATER QUALITY. Would the project:

a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?

Discussion of Effects: The project area is currently served by City water and sewer service and its use will not result in new affects to water quality standards or waste discharge requirements. The project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Implementation of the Project would conform to all local, State, and federal regulations concerning water quality and waste discharge requirements. No new impacts beyond those identified in TOP FEIR would result from Project implementation (See TOP Policies ER1-5, ER1-6, and ER1-7).

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hydrology and water quality related policies of TOP.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Discussion of Effects: No increases in the current amount of water flow to the project site would occur under the project, and the project will not deplete groundwater supplies, nor will it interfere with recharge. The project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Adequate Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to groundwater to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable hydrology and water quality related policies of TOP.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. However, Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hydrology and water quality related policies of TOP.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the Project in itself would not involve conversion of permeable soils to an impermeable surface, resulting in an increase in surface runoff. Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hydrology and water quality related policies of TOP.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the Project in itself would not involve conversion of permeable soils to an impermeable surface, resulting in an increase in surface runoff. Policy Measures

(ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hydrology and water quality related policies of TOP.

f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself is not anticipated to violate any water quality standards, or cause wastewater discharges that would adversely affect human health, wildlife, or plant species. Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing water quality to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable hydrology and water quality related policies of TOP.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself is not anticipated to place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Policy Measures (S2-1, S2-2, S2-3, S2-4, S2-5 and S2-6) have already been adopted by the City that would reduce impacts to existing flood hazards to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable flooding hazards related policies of TOP.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself is not anticipated to place within a 100-year flood hazard area, structures that would impede or redirect flood flows. Policy Measures (S2-1, S2-2, S2-3, S2-4, S2-5 and S2-6) have already been adopted by the City that would reduce

impacts to existing flood hazards to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable flooding hazards related policies of TOP.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself is not anticipated to expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Policy Measures (S2-1, S2-2, S2-3, S2-4, S2-5 and S2-6) have already been adopted by the City that would reduce impacts to existing flood hazards to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable flooding hazards related policies of TOP.

j) Expose people or structures to inundation by seiche, tsunami or mudflow?

Discussion of Effects: There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, the project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable hydrology and water quality related policies of TOP.

10. LAND USE & PLANNING. Would the project:

a) Physically divide an established community?

Discussion of Effects: The project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Implementation of the Project would not result in physical improvements that would divide an established community. In addition, Land Use Policies LU2-3, LU2-4, LU2-5, and LU2-6 would reduce the amount of conflict between contradicting land uses. Therefore, no impacts would result.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to

TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable land use policies of TOP.

- b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. In addition, Land Use Policies LU2-3, LU2-4, LU2-5, and LU2-6 would reduce the amount of conflict between contradicting land uses. The proposed Project is consistent with the provisions of TOP.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable land use policies of TOP.

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area. Therefore, the project will not result in adverse impacts.

Mitigation: None Required.

11. MINERAL RESOURCES. Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: There is no known mineral resource in the Project area considered to be of value to the region and the residents of the state. Therefore, no impacts would result and no mitigation would be required.

Mitigation: None Required.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: There are no known mineral resources in the area. Therefore, the Project will not result in adverse impacts.

Mitigation: None Required.

12. NOISE. Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce severe noise levels to a less-than-

significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable noise-related policies of TOP.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself would not expose people to or generate excessive groundborne vibration or groundborne noise levels. Appropriate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) that have been adopted by the City that would reduce severe noise levels to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable noise-related policies of TOP.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, implementation of the Project in itself would not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce noise impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable noise-related policies of TOP.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, implementation of the Project in itself would not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce noise impacts to a less-than-significant level. No

new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable noise-related policies of TOP.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The comprehensive Development Code Amendment will establish consistency with The Ontario Plan (Policy Plan), specifically Airport Planning Goal LU5 and Policy LU5-7 (ALUCP Consistency with Land Use Regulations). The proposed Amendment includes language within Chapter 2 (Administration & Procedures), Chapter 5 (Zoning & Land Use) and Chapter 6 (Development & Subdivision Regulations & Guidelines) requiring new development to be consistent with policies and criteria of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP). Since, the amendment is providing consistency with the ALUCP, future development located within any of the noise impact zones would be reviewed to incorporate noise measures for people living and residing within a noise impact zone. Furthermore, the amendment would not encourage levels of development in any area located within the City above those projected within The Ontario Plan, of which the environmental effects were already adequately analyzed. Therefore, there would be no impacts.

Mitigation: None required.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, the project will not result in adverse impacts.

Mitigation: None required.

13. POPULATION & HOUSING. Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the population growth for the entire City was included in the baseline conditions and analyzed in TOP EIR. Therefore the project will not induce substantial population growth directly, nor indirectly beyond those previously analyzed in TOP EIR.

Mitigation: None required.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not displace existing housing, and will not create any impact on residential housing beyond those that would occur under the current land use designation. Therefore, no

adverse impacts are anticipated as a result of this project.

Mitigation: None required.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not displace existing housing, and will not create any impact on residential housing beyond those that would occur under the current land use designation. Therefore, no adverse impacts are anticipated as a result of this project.

Mitigation: None required.

14. PUBLIC SERVICES. Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

(i) **Fire protection?**

(ii) **Police protection?**

(iii) **Schools?**

(iv) **Parks?**

(v) **Other public facilities?**

Discussion of Effects: Implementation of the Project would not necessitate the need for increased fire protection, police protection, schools, parks, or other public facilities because the proposed Project would not result in a direct population increase that would increase demands on these services. Nevertheless, the Governance Manuel of TOP is meant to bring collaboration between City departments, programs, and other involved agencies to achieve the City's development goals in phases, working within the budget and infrastructure constraints of the City. Following this process, sufficient revenue would be available for necessary service improvements to provide for adequate public services. Therefore, no mitigation measures are necessary.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable public services related policies of TOP.

15. RECREATION. Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. The project does not propose the construction of new

buildings. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the potential increases of use of existing neighborhood and regional parks and other recreational facilities associated with the use of the site were included in the baseline conditions. Therefore the project will not introduce new demands for other recreational facilities beyond those previously analyzed in TOP EIR.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for the TOP, the project will be subject to all applicable public services related policies of TOP.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. The project will not introduce new demands for recreational facilities services beyond those previously analyzed in TOP EIR.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR. No changes or additions to the TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for the TOP, the project will be subject to all applicable public services related policies of TOP.

16. TRANSPORTATION/TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?

Discussion of Effects: The project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. When TOP EIR was prepared, the impacts associated with land use were included in the baseline conditions. Here, the project is being proposed to be consistent with TOP. Therefore the project will not introduce new traffic impacts beyond those previously analyzed in TOP EIR

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable transportation-related policies of TOP.

b) Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with

The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project in itself would not conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. In addition, as shown in Table 5.16-5 (TOP FEIR), at buildout of the Proposed Land Use Plan, all intersections with the recommended future lane configurations (Mitigation Measure 16-1) are projected to operate at LOS E or better during both AM and PM peak hours. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable transportation-related policies of TOP.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Discussion of Effects: Implementation of the Project would not result in a change in air traffic patterns, as the Project only proposes a Development Code Amendment in order to be consistent with TOP. The proposed Development Code Amendment will provide consistency between the established zoning ordinance and general plan. Therefore, these impacts would be considered less than significant and no mitigation measures are required.

Mitigation: None required.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Discussion of Effects: The project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the project area was analyzed accordingly. When TOP EIR was prepared, the impacts associated with the uses of the project area were included in the baseline conditions. The project will not introduce new traffic beyond those previously analyzed in TOP EIR. Accordingly, the project will not conflict with an applicable congestion management program.

Mitigation: None Required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable transportation-related policies of TOP.

e) Result in inadequate emergency access?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the proposed Project would not result in inadequate emergency access. Future roadway construction would increase access into areas that were previously void of them. Details of road placement are given in section 5.16.3 in TOP FEIR. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Therefore, no mitigation measures are necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable transportation-related policies of TOP.

f) Result in inadequate parking capacity?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, proposed Project will not result in a demand for new parking.

Mitigation: None required.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion of Effects: There will be no adverse impacts on existing programs supporting alternative transportation such as transit services. A detailed description of existing transit services in the City is described in section 5.16.1 in TOP FEIR. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Appropriate strategies and approaches to improvements to public transit and nonmotorized transportation have been adopted by the City through TOP. In addition, future development will encourage the placement of bus routes and turnouts throughout the area.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable transportation-related policies of TOP.

17. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the project in itself will not necessitate the building or use of a sewer or septic tank, therefore no mitigation measures are necessary. Nevertheless, with implementation of TOP Mitigation 5.17-1, the impacts on water supply and demand from buildout of TOP would be less than significant.

Mitigation: None required.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore the proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Nevertheless, with implementation of TOP Mitigation 5.17-1, the impacts on water supply and demand from buildout of TOP would be less than significant.

Mitigation: None required.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the Project in itself will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. However, future roadway construction may impact and alter existing storm water drainage systems. Nevertheless, adequate Policies (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce stormwater impacts to less-than-significant levels, with no additional mitigation required.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable utility and service system related policies of TOP.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. No intensification of uses would occur that could result in increased demand for water resulting in a need to prepare a water supply assessment pursuant to Water Code section 10910. Therefore, the Project in itself will not necessitate the altering of existing conditions, therefore no mitigation measures are necessary.

Mitigation: None required.

- e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The Project only proposes a Development Code Amendment in order to be consistent with TOP. The proposed Development Code Amendment will provide consistency between the established zoning ordinance and general plan. No intensification of uses would occur that could result in increased demand for sewer facilities other than those previously considered and addressed in TOP EIR. Therefore, the Project in itself will not increase demands on wastewater. No impacts would result.

Mitigation: None required.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. No intensification of uses would occur that could result in increased demand for waste disposal other than those previously considered and addressed in TOP EIR. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Consistent with the mitigation adopted for TOP, the project will be subject to all applicable utility and service system related policies of TOP.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: Implementation of the Project is anticipated to comply with all federal, state, and local statutes and regulations related to solid waste. No impacts are anticipated and therefore no mitigation measures are necessary.

Mitigation: None required.

18. MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the Project in itself does not have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Mitigation: None required.

- b) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Therefore, the Project in itself does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. The proposed Project is being pursued pursuant to TOP. Therefore, the Project will not result in adverse impacts.

Mitigation: None required.

- c) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. When TOP EIR was prepared, the impacts associated with the project area were included in the baseline conditions. Here, the project is being proposed to be consistent with the established land use pursuant to TOP. Therefore the project will not result in any new cumulatively considerable impacts beyond what was previously analyzed in TOP EIR. Therefore, the project will not result in adverse impacts.

Mitigation: None required.

- d) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: As discussed in the Section 3.0 analysis above, there are no significant environmental effects as a result of the proposed Project that may result in any human health concerns, either directly or indirectly.

Mitigation: None required.

EARLIER ANALYZES (*Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)*):

1. Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.

- (a) The Ontario Plan Final EIR
- (b) The Ontario Plan
- (c) The Ontario Land Use Plan
- (d) The Ontario Plan Mitigation Monitoring and Reporting Program
- (e) The Ontario Plan CEQA Findings and Statement of Overriding Consideration

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

2. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

Most of the checklist items were analyzed in The Ontario Plan (TOP) EIR. The Project proposes a Development Code Amendment for a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. The proposed Development Code Amendment will also provide consistency between the established zoning ordinance and policy plan. Here, the Project does not permit the introduction of any new uses that were not part of the project description in TOP EIR. Therefore the Project will not result in any new impacts beyond what was previously analyzed in TOP EIR.

OTHER REFERENCE DOCUMENTS

- Ontario International Airport Land Use Compatibility Plan
- Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PDCA11-003, A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation an Addendum for Planning File No. PDCA11-003 (the "Addendum"), 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 "CEQA"); and

WHEREAS, Planning File No. PDCA11-003 (the "Project") analyzed under the Addendum consists of a City-Wide Development Code Amendment in order to establish consistency with The Ontario Plan (TOP). In addition, the proposed Development Code Amendment will provide consistency between the established zoning ordinance and general 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, in January 2010, the City Council certified TOP Final Environmental Impact Report ("EIR") (SCH # 2008101140), adopted an update on the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, TOP EIR contains an analysis of the environmental setting of the City at the time of its certification and also analyzes the environmental impact of build-out of the land use and associated zone changes to achieve TOP Vision and evaluates and analyses the principles, goals and polities enumerated in the Addendum that are furthered and carried out by the Project; and

WHEREAS, pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the TOP EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in TOP EIR, and addresses only those issues specific to the Project. The Addendum concludes that the project will not result in impacts beyond what was previously analyzed in TOP EIR, because the Project does not have new environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; 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 undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Addendum 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 Addendum for the Project and TOP EIR is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location and is, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That 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 approve the Addendum prepared for the Project and find, pursuant to CEQA Guideline sections 15162 and 15164, that the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR and that no changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures (Planning File No. PDCA11-003).

SECTION 3. The documents and materials that constitute the record of proceedings on which these findings have been based upon 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 4. The City Clerk shall certify to the adoption of the Resolution

PASSED, APPROVED, AND ADOPTED this 1st day of September 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 1, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held September 1, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT FOR A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9), TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY HAS INITIATED ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA11-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Planning Department has prepared an ordinance, which will comprehensively update the City of Ontario Development Code, establishing consistency with The Ontario Plan, and includes various changes to provide for the logical arrangement of provisions, and the elimination of duplications and inconsistencies throughout the current Development Code document; and

WHEREAS, the City of Ontario consists of approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, in January 2010, the City Council approved The Ontario Plan ("TOP") component framework, along with the completed Vision, Governance Manual, and Policy Plan (General Plan) components. In conjunction with TOP, the City Council certified The Ontario Plan Environmental Impact Report (State Clearing House No. 2008101140) and Mitigation Monitoring Program. Mitigation Measure No. 6.3 (MM6.3) requires that the City amend the Municipal Code to incorporate provisions implementing numerous greenhouse gas (GHG) emission reduction concepts set forth in the mitigation measure; and

WHEREAS, rather than piecemealing necessary changes into the existing Development Code, staff took a more holistic approach, systematically considering the current Development Code and related Municipal Code provisions, recent changes in Federal and State laws, and necessary changes to the Development Code resulting from the adoption of The Ontario Plan. This holistic approach to the Development Code update ensured: [i] consistency with The Ontario Plan; [ii] the elimination of outdated Municipal Code and Development Code provisions; [iii] the elimination of duplicate Municipal Code and Development Code provisions; [iv] internal consistency throughout

the Development Code document; and [v] external consistency with Federal, State, County, and City laws, codes, and ordinances.

WHEREAS, the Development Code update is intended to achieve the following objectives:

- Establish standards for the orderly physical development of the City;
- Preserve the character and quality of existing neighborhoods;
- Promote good urban design;
- Achieve the proper arrangement of land uses envisioned in The Ontario Plan;
- Provide for the establishment of a full range of residential, commercial agriculture, office, commercial, industrial, public, and transportation-related activities, as envisioned by The Ontario Plan;
- Promote the economic stability of land uses that conform to The Ontario Plan;
- Achieve compatibility between Ontario International Airport and the land uses and new development that surround it;
- Establish comprehensive procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, and provide for the processing of applications in an expedient manner;
- Establish procedures for the open and transparent processing of applications;
- Establish standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape, and infrastructure design;
- Promote the preservation and protection of the City's historic character and resources;
- Promote safe and efficient pedestrian and traffic circulation systems, and ensure that new development will not overburden the capacity of existing streets, utilities, or community facilities and services; and
- Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements necessary to serve new developments, are borne by subdividers and developers rather than by the taxpayers of the City; and

WHEREAS, in fulfilling the objectives of the Development Code update, several revisions to the Development Code structure have been established, including the adoption of the Development Code as an independent document, adopted by reference as Title 9 (Development Code) of the Ontario Municipal Code, thereby providing more

flexibility in the organization and content of the document, and ultimately, will allow the Development Code to be assimilated into a web-based document; and

WHEREAS, the resulting updated Development Code has been arranged into nine chapters, which are further subdivided into separate divisions, based upon common subject matter, processes, and procedures. Furthermore, the updated Development Code contains reference documents provided to assist City staff, property owners, business owners, developers, and design professionals, in understanding and implementing the City's goals, policies and objectives. The reference documents will be adopted by Resolution of the City Council, making it easier to apply future changes to the documents; and

WHEREAS, certain off-street parking and land use provisions found in Titles 4 through 6 of the Ontario Municipal Code have been moved to the Development Code, as follows:

- Title 4 (Public Safety), Chapter 13 (Parking on Unpaved Surfaces), has been moved to the Off-Street Parking and Loading provisions of the Development Code (Division 6.03);

- Title 5 (Public Welfare, Morals and Conduct), Chapter 22 (Property Appearance – Nuisance) has been moved to Development Code Division 6.10 (Property Appearance and Maintenance);

- Title 6 (Sanitation and Health), Chapter 1, Article (Animals and Fowl), has been moved to Development Code Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities);

- Title 6 (Sanitation and Health), Chapter 2 (Fish Meal Storage and Handling), has been moved to Development Code Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities); 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 June 23, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing, and issued Resolution No. PC15-041, recommending the City Council approve the Development Code Amendment, File No. PDCA11-003; and

WHEREAS, on September 1, 2015, the City Council of the City of Ontario conducted a duly noticed public hearing to consider the Development Code Amendment, File No. PDCA11-003, 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 Addendum, 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 Addendum, 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 Addendum and initial study contain 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 Addendum.

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 Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

b. The proposed Development Code Amendment is consistent with the goals and policies of the Development Code

c. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 3. Ontario Municipal Code Title 4, Chapter 13 (Sections 4-13.01 through 4-13.04) is hereby repealed.

SECTION 4. Chapter 22 (Property Appearance – Nuisance) of Ontario Municipal Code Title 5 (Public Welfare, Morals and Conduct) is hereby repealed.

SECTION 5. Article 1 (Animals and Fowl) of Chapter 1 (Animals and Fowl) of Ontario Municipal Code Title 6 (Sanitation and Health), is hereby repealed.

SECTION 6. Chapter 2 (Fish Meal Storage and Handling) of Ontario Municipal Code Title 6 (Sanitation and Health) is hereby repealed.

SECTION 7. The Introduction of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 8. Chapter 1 (Zoning and Land Use Requirements) of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 9. Chapter 2 (Subdivision Regulations) of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 10. Chapter 1, titled Development Code, is hereby added to Ontario Municipal Code Title 9 (Development Code), and shall read as follows:

“Section 9-1.01. Adoption of the Development Code.

The Ontario Development Code, as published by the Planning Department of the City of Ontario, is hereby adopted by reference and made part of this Chapter as if fully set forth at length herein. One copy of the Ontario Development Code is on file in the office of the City Clerk for public review.”

SECTION 11. New zoning districts established by the Ontario Development Code shall correspond to the existing City of Ontario zoning districts as follows:

| EXISTING ZONING DISTRICTS | CORRESPONDING NEW ZONING DISTRICTS |
|---------------------------------------|---|
| <i>RESIDENTIAL ZONING DISTRICTS</i> | |
| AR (Agricultural - Residential) | AR-2 (Agricultural-Residential – 0 to 2.0 DU/Acre) |
| <i>[New District]</i> | RE-2 (Residential Estate – 0 to 2.0 DU/Acre) |
| RE (Residential Estate) | RE-4 (Residential Estate – 2.1 to 4.0 DU/Acre) |
| R1 (Single Family Residential) | LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) |
| R1.5 (Low-Medium Density Residential) | MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 DU/Acre) |

| <i>EXISTING ZONING DISTRICTS</i> | <i>CORRESPONDING NEW ZONING DISTRICTS</i> |
|---|--|
| R2 (Medium Density Residential) | MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre) |
| R3 (High Density Residential) | MDR-25 (Medium Density Residential – 18.1 to 25.0 DU/Acre) |
| HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) | HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) |
| <i>COMMERCIAL ZONING DISTRICTS</i> | |
| NC (Neighborhood Commercial District) | CS (Corner Store) |
| C1 (Shopping Center District) | CN (Neighborhood Commercial – 0.4 Maximum FAR) |
| C3 (Commercial Service District) | CC (Community Commercial – 0.4 Maximum FAR) |
| [New District] | CR (Regional Commercial – 0.4 Maximum FAR) |
| [New District] | CCC (Convention Center Core Commercial) |
| C4 (Airport Service Commercial District) | CCS (Convention Center Support Commercial) |
| AP (Administrative Professional Office District) | OL (Low Intensity Office) |
| [New District] | OH (High Intensity Office) |
| <i>MIXED-USE ZONING DISTRICTS</i> | |
| C2 (Central Business District) | MU-1 (Downtown Mixed-Use) |
| [New District] | MU-2 (East Holt Mixed-Use) |
| [New District] | MU-11 (Euclid/Francis Mixed-Use) |
| <i>INDUSTRIAL ZONING DISTRICTS</i> | |
| [New District] | BP (Business Park) |
| [New District] | IP (Industrial Park) |
| M1 (Limited Industrial District) | IL (Light Industrial) |
| M2 (Industrial Park District) | IG (General Industrial) |
| M3(VI) (General Industrial District—Vintage Industrial Overlay) | IH (Heavy Industrial) |
| <i>SPECIALIZED USE ZONING DISTRICTS</i> | |
| SP(AG) (Agricultural Overlay District) | AG (Interim Agricultural) |
| PF (Public Facilities District) | CIV (Civic) |
| MH (Mobile Home Park District) | MHP (Mobile Home Park) |

| EXISTING ZONING DISTRICTS | CORRESPONDING NEW ZONING DISTRICTS |
|---|---|
| M3 (General Industrial District) | ONT (Ontario International Airport) |
| [New District] | OS-C (Open Space-Cemetery) |
| OS (Open Space District) | OP-R (Open Space-Recreation) |
| PUD (Town Center Planned Unit Development District) | PUD (Planned Unit Development) |
| [New District] | RC (Rail Corridor) |
| SP (Specific Plan) | SP (Specific Plan) |
| [New District] | UC (Utilities Corridor) |
| OVERLAY DISTRICTS | |
| AG (Agricultural Overlay) | [Moved to Specialized Use zoning districts] |
| EA (Euclid Avenue) Overlay District | EA (Euclid Avenue) Overlay District |
| [New District] | ES (Emergency Shelter) Overlay District |
| [New District] | MTC (Multimodal Transit Center) Overlay District |
| HW (Hazardous Waste Overlay) | [Deleted] |
| PRD (Planned Residential District) | [Deleted] |
| SA (Special Area Combined) | [Deleted] |
| VI (Vintage Overlay) | [Moved to Industrial zoning districts] |
| [New District] | ICC (Interim Community Commercial) Overlay District |

SECTION 12. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 10 above, the City Council hereby approves the Development Code Amendment, File No. PDCA11-003.

SECTION 13. *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 14. *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 15. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 16. *Signature and Certification.* 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 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 _____ 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, 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 _____, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, 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.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)