

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

October 26, 2021

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

6:30 PM

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

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

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

ROLL CALL

Anderson __ Dean __ DeDiemar __ Gage __ Lampkin __ Ricci __ Willoughby __

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

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

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

CONSENT CALENDAR ITEMS

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

A-01. MINUTES APPROVAL

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

PUBLIC HEARING ITEMS

For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak, unless there are a number of person's wishing to speak and then the Chairperson will allow only three (3) minutes, to accommodate for more persons. The Planning/Historic Preservation Commission may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.

PLANNING & HISTORIC PRESERVATION COMMISSION ITEMS

- B. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-006:** A Mills Act Contract for an 1,833 square foot Monterey Revival and Spanish Eclectic style single-family residence, a Contributor within the Euclid Avenue Historic District known as the Peter H. Vandenberg House, located at 1240 North Euclid Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) and EA (Euclid Avenue Overlay) zoning districts. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-531-07) **submitted by Bryan and Monica Sinsabaugh. City Council action is required.**
- C. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP21-010:** A Mills Act Contract for a 1,246 square foot Vernacular Bungalow style single-family residence, a Contributor within the College Park Historic District known as the Laura Russell House, located at 1130 North Columbia Avenue within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district.

The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1047-543-03) **submitted by Jonathan and Kelly Rushing. City Council action is required.**

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

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

1. CEQA Determination

No action necessary – Not a project pursuant to CEQA Guidelines Section § 21065

- 2. File Nos. PHP21-006, PHP21-010, PHP21-011 & PHP21-012** (Mill's Act Contracts)

Motion to recommend Approval/Denial

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

1. CEQA Determination

No action necessary – use of previous Addendum to an EIR

- 2. File Nos. PHP21-014 & PDEV20-020** (Certificate of Appropriateness & Development Plan)

Motion to Approve/Deny

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

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

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA21-003 (Development Agreement)

Motion to recommend Approval/Denial

3. File No. PMTT19-008 (TTM 20281) & PDEV19-023 (Tentative Tract Map & Development Plan)

Motion to Approve/Deny

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

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15315

2. File No. PMTT21-006 (TPM 20335) (Tentative Tract Map)

Motion to Approve/Deny

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Met on October 14, 2021.
- 2) New Business
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

- 1) Monthly Activity Report

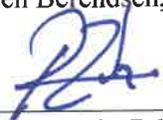
If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.

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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **October 22, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East “B” Street, Ontario.


Gwen Berendsen, Secretary Pro Tempore


Rudy Zeledon, Planning Director
Planning/Historic Preservation
Commission Secretary

**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

September 28, 2021

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**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

September 28, 2021

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:30 PM

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Anderson, Dean, DeDiemar, Lampkin, and Ricci

Absent: None

OTHERS PRESENT: Planning Director Zeledon, City Attorney Maldonado, Principal Planner Mercier, Senior Planner Mejia, Senior Planner Hutter, Assistant City Engineer Lee, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Anderson.

ANNOUNCEMENTS

Mr. Zeledon announced that A-02 and A-03 would be pulled from the Consent Calendar, and revised Conditions of Approval for Items B, C, and D, which would be presented together.

Mr. Lampkin discussed events at the Lampkin Foundation in September and expressed thanks to the citizens who attended. He talked about our fallen soldiers and the events of 9-11 and asked that the meeting be adjourned in honor of our fallen soldiers.

Mr. Gage announced the Cemetery Tour for Ontario Heritage on October 6th.

Ms. DeDiemar announced the Festival of Arts on October 16th.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL: Planning/Historic Preservation Commission Minutes of August 24, 2021, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME EXTENSION REVIEW FOR FILE NO. PMTT18-007 (TTM 20198): A one-year Time Extension for a previously approved Tentative Tract Map, File No. PMTT18-007 (TTM 20198), to subdivide 9.57 acres of land into 18 single-family residential lots on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture - 0 to 2.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area

of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1011-431-01) **submitted by Mr. Ray Tsai.**

- A-03. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME EXTENSION REVIEW FOR FILE NO. PMTT18-008 (TTM 20144):** A one-year Time Extension for Tentative Tract Map No. 20144, previously approved by Planning Commission on April 23, 2019, subdividing one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15: Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-532-04) **submitted by Barton 88 Investment, LLC.**

It was moved by DeDiemar, seconded by Lampkin, to approve the Consent Calendar: Planning Commission Minutes of August 24, 2021, as written. The motion was carried 6 to 0. Willoughby abstained.

PUBLIC HEARING ITEMS

Mr. Lampkin recused himself from Items B, C, and D.

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-002:** A Tentative Parcel Map (File No. PMTT21-002/TPM 20278) to subdivide 15.94 acres of land into 3 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-07) **submitted by Orbis Real Estate Partners.**
- C. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-003:** A Tentative Parcel Map (File No. PMTT21-003/TPM 20274) to subdivide 9.72 acres of land into 4 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial and Community Commercial zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-04) **submitted by Orbis Real Estate Partners.**
- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-007:** A Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007,

PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNS: 1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners.**

Senior Planner Mejia, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PMTT21-002, PMTT21-003 and PDEV21-007, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the revised conditions of approval.

Mr. Willoughby asked questions regarding landscape, theme, sidewalks and murals.

Ms. Mejia responded.

Mr. Ricci asked questions regarding the southern wall, landscape planters and murals.

Ms. Mejia responded.

Mr. Gage asked questions regarding Building 6 elevations and use.

Ms. Mejia responded

Ms. Anderson asked about visibility for the winery from the 60 Freeway being blocked.

Ms. Mejia responded.

PUBLIC TESTIMONY

Mr. Grant Ross with Orbis Real Estate Partners, thanked staff and spoke in favor of the project.

Mr. Santo Riboli representing the Galleano winery spoke in favor of the project and explained some of the history of the winery.

Mr. Willoughby asked Mr. Riboli about a time frame and the mural.

Mr. Riboli and Mr. Ross responded.

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

Mr. Willoughby spoke in favor of the project.

Mr. Dean spoke in favor of the project.

Mr. Gage asked Mr. Ross if he agreed with the revised Conditions of Approval.

Mr. Ross stated he agreed.

Mr. Gage spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Dean, seconded by Willoughby, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT21-002, subject to the revised conditions of

approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Ricci, and Willoughby; NOES, none; RECUSE, Lampkin; ABSENT, none. The motion was carried 6 to 0.

It was moved by Willoughby, seconded by Ricci, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT21-003, subject to the revised conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Ricci, and Willoughby; NOES, none; RECUSE, Lampkin; ABSENT, none. The motion was carried 6 to 0.

It was moved by DeDiemar, seconded by Anderson, to adopt a resolution to approve the Development Plan, File No. PDEV21-007, subject to the revised conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Ricci, and Willoughby; NOES, none; RECUSE, Lampkin; ABSENT, none. The motion was carried 6 to 0.

- E. **ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-005 AND PDEV21-009:** A Tentative Tract Map (TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area, and a Development Plan for the construction of 39 residential condominium units (9 buildings total), located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1010-521-28) **submitted by Tipping Development.**

Senior Planner Hutter, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PMTT21-005 and PDEV21-009, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby asked for clarity regarding the alley way.

Mr. Zeledon responded.

PUBLIC TESTIMONY

Mr. Richard Tipping with Tipping Development thanked staff, spoke in favor of the project and stated he agreed to all the Conditions of Approval.

Mr. Willoughby asked regarding leasing or selling.

Mr. Tipping responded.

Mr. Dean asked about the dog park amenities.

Mr. Tipping responded.

Mr. Lampkin asked questions regarding the alley way.

Mr. Tipping responded.

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

Mr. Ricci spoke in favor of the project.

Mr. Lampkin spoke in favor of the project.

Mr. Gage spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Ricci, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT21-005, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Lampkin, seconded by Ricci, to adopt a resolution to approve the Development Plan, File No. PDEV21-009, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

F. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV19-069 AND PCUP19-030:

A Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-491-08) **submitted by Ramila Patel.**

Principal Planner Mercier, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV19-069 and PCUP19-030, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Lampkin asked questions regarding the Police Department review.

Mr. Mercier responded.

Mr. Willoughby asked questions regarding the landscape and sidewalks.

Mr. Mercier responded.

Mr. Lampkin asked about the landscaping.

Mr. Mercier responded.

Mr. Willoughby asked questions regarding the number of pumps and traffic lanes.

Mr. Mercier responded.

PUBLIC TESTIMONY

Mr. Gregg Hong with Empire Design Group, thanked staff and spoke in favor of the project.

Mr. Lampkin asked questions regarding a security plan and layout.

Mr. Hong responded.

Mr. Gage asked if they agreed with the Conditions of Approval.

Mr. Hong stated they agreed to all of them.

Mr. Zeledon discussed the Police Department's review process for the project.

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

Mr. Willoughby spoke in favor of the project.

Mr. Lampkin spoke in favor of the project.

Mr. Gage spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Willoughby, to adopt a resolution to approve the Development Plan, File No., PDEV19-069, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Lampkin, seconded by DeDiemar, to adopt a resolution to approve the Conditional Use Permit, File No., PCUP19-030, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT

REVIEW FOR FILE NO. PDCA20-002: A Development Code Amendment revising certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, common active open space areas, and off-street parking requirements for small lot infill subdivisions. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed Development Code Amendment affects property located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). Additionally, the Development Code Amendment is located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics; **City Initiated. City Council action is required.**

Principal Planner Mercier, presented the staff report. He stated that staff is recommending the Planning Commission recommend City Council approve File No. PDCA20-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Willoughby asked questions regarding the parking.

Mr. Mercier responded.

Mr. Zeledon clarified the changes apply to only small lot infills.

Mr. Gage asked questions regarding parking.

Mr. Mercier responded.

Mr. Willoughby asked regarding leasing or selling of small lot subdivisions.

Mr. Mercier responded.

Mr. Zeledon clarified there is a market for these and this allows for more flexibility.

PUBLIC TESTIMONY

No one responded.

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

Mr. Lampkin spoke in favor of the item.

Mr. Gage spoke in favor of the item.

Mr. Willoughby spoke in favor of the item.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Dean, to recommend adoption of a resolution to approve the Development Code Amendment, File No., PDCA20-002. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee met on September 16, 2021.

Ms. DeDiemar stated it was a great review.

New Business

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Zeledon presented Certificates of Recognition to Mr. Willoughby, and Mr. Lampkin, on behalf of the City Council.

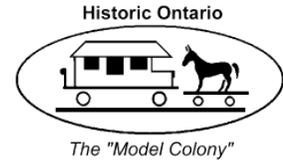
ADJOURNMENT

Lampkin motioned to adjourn, in honor of our fallen soldiers and the 9-11 victims, seconded by Ricci. The meeting was adjourned at 8:47 PM.

Secretary Pro Tempore

Chairman, Planning Commission

**HISTORIC PRESERVATION COMMISSION
STAFF REPORT
OCTOBER 26, 2021**



FILE NOS. : PHP21-006, PHP21-010, PHP21-011 and PHP21-012

SUBJECT: Request for four (4) Mills Act Contracts

LOCATIONS: 1240 North Euclid Avenue (APN: 1047-531-07); 1130 North Columbia Avenue (APN: 1047-543-03); 1112 North Euclid Avenue (APN: 1047-542-04); and 1108 North Euclid Avenue (APN: 1047-542-03)

PROPERTY OWNER: Bryan and Monica Sinsabaugh; Jonathan and Kelly Rushing; Zhenwei and Wei Xu; and, Luke and Jessica Bideaux

RECOMMENDATION: That the Historic Preservation Commission adopt the attached resolutions recommending that the City Council approve File Nos. PHP21-006, PHP21-010, PHP21-011 and PHP21-012. The Historic Preservation Subcommittee reviewed this application on October 14, 2021 and is recommending approval.

BACKGROUND: Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of a qualified historical property to enter into a preservation contract with a local government. The City of Ontario established the Mills Act program in 1997 to provide an economic incentive for the preservation of designated historic landmarks and/or contributing structures within a designated historic district. Since inception of the City's program, 78 Mills Act Contracts have been approved and recorded. There are four contracts proposed at this time, four single-family residences designated as Contributors to the College Park and Euclid Avenue Historic Districts.

In order for the historic property to be eligible for the program, it must meet the requirements outlined in the guidelines and standards set by the State of California, Board of Equalization, and the City's Development Code (Sec. 4.02.065). The historic property must be either a local, state, or nationally designated property or a contributor within a locally designated historic district whereby the property owner agrees to certain improvements to restore, rehabilitate, or preserve a qualified historic building. In exchange, the San Bernardino County Tax Assessor reassesses the property's value based on an alternative formula that may result in a significant reduction in the owner's property taxes.

Case Planner:	Elly Antuna, Associate Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		HPSC:	10/14/2021	Approval	Recommend
Submittal Date:		PC / HPC:	10/26/2021		Recommend
		CC:	12/07/2021		Final

Pursuant to State law, a Mills Act Contract is recorded on the property and is a perpetual 10-year contract that automatically renews annually, unless the property owner or the City request a notice of non-renewal. The Mills Act Contract and all benefits and responsibilities remain with the land, even after a change of ownership. If a contract is cancelled for any reason, including non-compliance with the conditions of the contract, or upon the request of the property owner or City, a cancellation fee of 12.5 percent of the market value (as of the time of cancellation) is assessed.

PROJECT ANALYSIS: Staff provides estimates of potential tax savings for the property owner, but ultimately, only the San Bernardino County Assessor can determine the actual Mills Act adjusted value. The Mills Act assessment involves many variables that are typically determined by market forces such as interest rates, capitalization rates, and fair market rental rates. The average property tax savings for the proposed Mills Act Contracts roughly range between 30 and 55 percent in the initial year, with a tax savings decrease each passing year. According to the City budget, Ontario receives 16.8 percent of the property taxes collected. Using that percentage, staff has also calculated the estimated reduction in property tax revenue, the “City cost,” and has included that in the analysis.

Upon City Council approval, the City Clerk informs the San Bernardino County Assessor that the property has entered into a Mills Act Contract. The Assessor values the historic property with the Mills Act assessment the following tax year, which may differ from the Planning Department estimates.

A. FILE NO.: PHP21-006

PROPERTY OWNER: Bryan and Monica Sinsabaugh

LOCATION: 1240 North Euclid Avenue

HISTORIC NAME: Peter H. Vandenberg House

DESIGNATION DATE: September 16, 2003 (Local Landmark No. 73) and June 4, 2013 (Euclid Avenue Historic District)



[1] Work Program — The applicants, Bryan and Monica Sinsabaugh, are proposing both exterior and interior work as part of the contract that qualifies under the guidelines and standards set by the State of California. The exterior work includes repair to wood under eaves and exposed rafter tails, window restoration, exterior stucco and paint, and new awnings, shutters, and screen doors. The interior work includes new plumbing. The improvements are valued at an estimated \$64,500.

[2] Property Owner Savings — The following Mills Act savings to the property owner are based on estimates calculated by the Planning Department.

Current Annual Taxes Paid:	\$5,526
Mills Act Annual Taxes Estimated:	\$3,298
Potential Total Annual Tax Savings:	\$2,228
Estimated Savings over 10 years:	\$22,280
Estimated Savings Percentage:	40.3%

[3] City Cost — According to the City budget, Ontario receives approximately 16.8 percent of the property taxes collected. The following shows the cost to the City for this contract and is based on estimates calculated by the Planning Department.

Current Annual City Tax Revenue:	\$928
Mills Act Annual City Tax Revenue Estimated:	\$554
Estimated Total Annual Cost to the City:	\$374
Estimated Cost to the City over 10 years:	\$3,740

This contract provides for \$17.24 in improvements for every \$1 in estimated property tax cost to the City.

B. FILE NO.: PHP21-010

PROPERTY OWNER: Jonathan and Kelly Rushing

LOCATION: 1130 North Columbia Avenue

HISTORIC NAME: Laura Russell House

DESIGNATION DATE: July 18, 2000
(College Park Historic District)



[1] Work Program — The applicants, Jonathan and Kelly Rushing, are proposing exterior work as part of the contract that qualifies under the guidelines and standards set by the State of California. The work includes driveway and fence replacement, landscaping, irrigation, garage roof repairs and exterior paint. The improvements are valued at an estimated \$30,500.

[2] Property Owner Savings — The following Mills Act savings to the property owner are based on estimates calculated by the Planning Department.

Current Annual Taxes Paid:	\$3,874
Mills Act Annual Taxes Estimated:	\$2,641
Potential Total Annual Tax Savings:	\$1,233
Estimated Savings over 10 years:	\$12,330
Estimated Savings Percentage:	31.8%

[3] City Cost — According to the City budget, Ontario receives approximately 16.8 percent of the property taxes collected. The following shows the cost to the City for this contract and is based on estimates calculated by the Planning Department.

Current Annual City Tax Revenue:	\$651
Mills Act Annual City Tax Revenue Estimated:	\$444
Estimated Total Annual Cost to the City:	\$207
Estimated Cost to the City over 10 years:	\$2,070

This contract provides for \$14.73 in improvements for every \$1 in estimated property tax cost to the City.

C. FILE NO.: PHP21-011

PROPERTY OWNER: Zhenwei and Wei Xu

LOCATION: 1112 North Euclid Avenue

HISTORIC NAME: Harold Latimer House

DESIGNATION DATE: June 4, 2013
(Euclid Avenue Historic District)



[1] Work Program — The applicants, Zhenwei and Wei Xu, is proposing both exterior and interior work as part of the contract that qualifies under the guidelines and standards set by the State of California. The exterior work includes repair of stucco, paint, and window repairs. The interior work includes new plumbing, water heater, electrical and gas lines, repair to interior plaster and repair to wood framing in the detached garage. The improvements are valued at an estimated \$81,120.

[2] Property Owner Savings — The following Mills Act savings to the property owner are based on estimates calculated by the Planning Department.

Current Annual Taxes Paid:	\$7,779
Mills Act Annual Taxes Estimated:	\$4,193
Potential Total Annual Tax Savings:	\$3,586
Estimated Savings over 10 years:	\$35,860

Estimated Savings Percentage: 46.1%

[3] City Cost — According to the City budget, Ontario receives approximately 16.8 percent of the property taxes collected. The following shows the cost to the City for this contract and is based on estimates calculated by the Planning Department.

Current Annual City Tax Revenue:	\$1,307
Mills Act Annual City Tax Revenue Estimated:	\$704
Estimated Total Annual Cost to the City:	\$603
Estimated Cost to the City over 10 years:	\$6,030

This contract provides for \$13.45 in improvements for every \$1 in estimated property tax cost to the City.

D. FILE NO.: PHP21-012

PROPERTY OWNER: Luke and Jessica Bideaux

LOCATION: 1108 North Euclid Avenue

HISTORIC NAME: Homer Berger House

DESIGNATION DATE: June 4, 2013
(Euclid Avenue Historic District)



[1] Work Program — The applicants, Luke and Jessica Bideaux, are proposing both exterior and interior work as part of the contract that qualifies under the guidelines and standards set by the State of California. The exterior work includes repair of wood shingles and windows, and restoration of spalling brick at the front patio. Other exterior work includes a new roof on the front of the residence, and repairs to the flat roof at the rear of the residence. The interior work includes a new HVAC system, paint, and electrical upgrades. The improvements are valued at an estimated \$91,025.

[2] Property Owner Savings — The following Mills Act savings to the property owner are based on estimates calculated by the Planning Department.

Current Annual Taxes Paid:	\$7,834
Mills Act Annual Taxes Estimated:	\$3,966
Potential Total Annual Tax Savings:	\$3,868
Estimated Savings over 10 years:	\$38,680
Estimated Savings Percentage:	49.3%

[3] City Cost — According to the City budget, Ontario receives approximately 16.8 percent of the property taxes collected. The following shows the cost to the City for this contract and is based on estimates calculated by the Planning Department.

Current Annual City Tax Revenue:	\$1,316
Mills Act Annual City Tax Revenue Estimated:	\$666
Estimated Total Annual Cost to the City:	\$650
Estimated Cost to the City over 10 years:	\$6,500

This contract provides for \$14.00 in improvements for every \$1 in estimated property tax cost to the City.

CUMULATIVE IMPACTS: The City currently has 78 approved Mills Act Contracts and four proposed contracts. The cumulative impacts are based on the initial projected assessment of each contract for the proposed year.

	<u>Existing</u>	<u>Proposed</u>
Number of contracts:	78	82
Average Estimated Annual Tax Saving to Property Owners:	\$1,779	\$1,825
Estimated Annual Cost to the City:	\$23,313	\$25,147
Estimated Cost to the City over 10 Years:	\$233,130	\$251,470
Estimated Total Value of Mills Act Improvements over 10 Years:	\$3,204,875	\$3,472,020
Estimated Loss of Revenue to Improvement Ratio:	\$1/13.75	\$1/13.81

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

[1] City Council Goals.

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

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

[2] Policy Plan (General Plan)

Community Design Element – Historic Preservation

- Goal CD4: Historic buildings, streets, landscapes, and neighborhoods, as well as the story of Ontario’s people, businesses, and social and community organizations, that have been preserved and serve as a focal point for civic pride and identity.
 - CD4-2 Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes, and unique neighborhoods.
 - CD4-4 Incentives. We use the Mills Act and other federal, state, regional and local programs to assist property owners with the preservation of select properties and structures.
 - CD4-6 Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City’s and the public’s involvement in preservation efforts.

Community Design Element – Protection of Investment

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
 - CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
 - CD5-3 Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.
 - CD5-4 Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

ENVIRONMENTAL REVIEW: A Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

RESOLUTION NO. PC

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP21-006, THE MILLS ACT CONTRACT FOR THE PETER H. VANDENBERG HOUSE, LOCATED AT 1240 NORTH EUCLID AVENUE (APN: 1047-531-07).

WHEREAS, BRYAN AND MONICA SINSABAUGH ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP21-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Peter H. Vandenberg House, a Monterey Revival and Spanish Eclectic style single-family residence constructed in 1927 (est.), located at 1240 North Euclid Avenue (APN: 1047-531-07) is worthy of preservation and was designated by City Council on September 16, 2003 as Local Landmark No. 73 and on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

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

completed; and

WHEREAS, on October 14, 2021, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC21-008, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 26, 2021, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Historic Property Preservation Agreement; and

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

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

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Peter H. Vandenberg House, located at 1240 North Euclid Avenue, was

designated by City Council on September 16, 2003 as Local Landmark No. 73 and on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

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

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

SECTION 6. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC21-_____, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of December 2021, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Bryan Sinsabaugh and Monica Sinsabaugh (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Peter H. Vandenberg House, generally located at the street address 1240 North Euclid Avenue, Ontario, CA 91762 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as

Exhibit “A” and is incorporated herein by this reference;

(iii) On September 16, 2003, the City Council of the City of Ontario designated the Historic Property as Local Landmark No. 73 pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(iv) On June 4, 2013, the City Council of the City of Ontario designated the Historic Property as a Contributor to the Euclid Avenue Historic District pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(v) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 7, 2021 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the “renewal date”), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to

City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipt by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the Applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner

shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or

default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the

benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Bryan and Monica Sinsabaugh
1240 North Euclid Avenue
Ontario, CA 91762

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by

reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
City Manager

Attest

City Clerk

Approved as to Form

City Attorney

Dated: _____

By: _____
Bryan Sinsabaugh, Owner

Dated: _____

By: _____
Monica Sinsabaugh, Owner

**Exhibit A: Historic Property Preservation Agreement
Legal Description**

Address: 1240 North Euclid Avenue **APN:** 1047-531-07 **File No.:** PHP21-006
Ontario, CA 91762

The property located at: 1240 North Euclid Avenue
Ontario, CA 91762

is legally described as: ONTARIO COLONY LANDS N 60 FT S 513 FT W 150 FT LOT 774

APN: 1047-531-07-0-000

**Exhibit B: Historic Property Preservation Agreement
Property Maintenance**

Address: 1240 North Euclid Avenue **APN:** 1047-531-07 **File No.:** PHP21-006
Ontario, CA 91762

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.7.01.045 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

**Exhibit C: Historic Property Preservation Agreement
Proposed Improvements**

Address: 1240 North Euclid Avenue **APN:** 1047-531-07 **File No.:** PHP21-006
Ontario, CA 91762

Contract Year	Description
2022:	Replace aluminum windows with wood windows to match original in Master bedroom
2023:	Replace aluminum windows with wood windows to match original in Living room, Dining room and Office
2024:	Replace aluminum windows with wood windows to match original in Bathroom and Bedrooms
2025:	Replace awnings
2026:	Replace wood flooring at balcony with new wood flooring
2027:	New plumbing, entire house.
2028:	Install new wood screen doors at exterior doors.
2029:	Stucco and paint exterior
2030:	Repair original shutters and replace if shutter is damaged beyond repair
2031:	Repair wood under eaves and exposed rafter tails

RESOLUTION NO. PC

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP21-010, THE MILLS ACT CONTRACT FOR THE LAURA RUSSELL HOUSE, LOCATED AT 1130 NORTH COLUMBIA AVENUE (APN: 1047-543-03).

WHEREAS, JONATHAN AND KELLY RUSHING ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP21-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Laura Russell House, a Craftsman Bungalow style single-family residence constructed in 1916, located at 1130 North Columbia Avenue (APN: 1047-543-03) is worthy of preservation and was designated by City Council on July 18, 2000 as a Contributor within the College Park Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

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

WHEREAS, on October 14, 2021, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC21-009, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 26, 2021, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Historic Property Preservation Agreement; and

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

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

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Laura Russell House, located at 1130 North Columbia Avenue, was designated by City Council on July 18, 2000 as a Contributor within the College Park

Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

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

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

SECTION 6. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

Historic Preservation Commission Resolution
File No. PHP21-010
October 26, 2021
Page 4

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

Historic Preservation Commission Resolution
File No. PHP21-010
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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC21-_____, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of December 2021, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Jonathan A. Rushing and Kelly E. Rushing (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Laura Russell House, generally located at the street address 1130 North Columbia Avenue, Ontario, CA 91764 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is

incorporated herein by this reference;

(iii) On July 18, 2000, the City Council of the City of Ontario designated the Historic Property as a Contributor to the College Park Historic District pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(iv) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 7, 2021 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the “renewal date”), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal,

the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on

Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically

enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Jonathan and Kelly Rushing
1130 North Columbia Avenue
Ontario, CA 91764

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
City Manager

Attest

City Clerk

Approved as to Form

City Attorney

Dated: _____

By: _____
Jonathan A. Rushing, Owner

Dated: _____

By: _____
Kelly E. Rushing, Owner

**Exhibit A: Historic Property Preservation Agreement
Legal Description**

Address: 1130 North Columbia Avenue **APN:** 1047-543-03 **File No.:** PHP21-010
Ontario, CA 91764

The property located at: 1130 North Columbia Avenue
Ontario, CA 91764

is legally described as: ONTARIO COLONY LANDS S 55 FT N 380 FT E 135 FT W 168 FT
LOT 800

APN: 1047-543-03-0-000

**Exhibit B: Historic Property Preservation Agreement
Property Maintenance**

Address: 1130 North Columbia Avenue **APN:** 1047-543-03 **File No.:** PHP21-010
Ontario, CA 91764

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.7.01.045 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

**Exhibit C: Historic Property Preservation Agreement
Proposed Improvements**

Address: 1130 North Columbia Avenue **APN:** 1047-543-03 **File No.:** PHP21-010
Ontario, CA 91764

Contract Year	Description
2022:	Remove asphalt driveway
2023:	Install new concrete driveway
2024:	Install new gate at driveway
2025:	Landscape front yard
2026:	Install new water main
2027:	Remove tree that is growing under block wall.
2028:	New irrigation system for front and rear yard
2029:	Remove tree growing under foundation of house
2030:	Repair roof on garage
2031:	Paint exterior of house

RESOLUTION NO. PC

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP21-011, THE MILLS ACT CONTRACT FOR THE HAROLD LATIMER HOUSE, LOCATED AT 1112 NORTH EUCLID AVENUE (APN: 1047-542-04).

WHEREAS, ZHENWEID AND WEI XU ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP21-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Harold Latimer House, an Italianate style single-family residence constructed in 1919, located at 1112 North Euclid Avenue (APN: 1047-542-04) is worthy of preservation and was designated by City Council on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

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

WHEREAS, on October 14, 2021, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC21-010, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 26, 2021, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Historic Property Preservation Agreement; and

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

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

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Harold Latimer House, located at 1112 North Euclid Avenue, was designated by City Council on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

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

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

SECTION 6. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

Historic Preservation Commission Resolution
File No. PHP21-011
October 26, 2021
Page 4

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

Historic Preservation Commission Resolution
File No. PHP21-011
October 26, 2021
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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC21-_____, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of December 2021, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Zhenwei Xu and Wei Xu (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(i) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Harold Latimer House, generally located at the street address 1112 North Euclid Avenue, Ontario, CA 91762 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is incorporated herein by this reference;

(iii) On June 4, 2013, the City Council of the City of Ontario designated the Historic Property as a Contributor to the Euclid Avenue Historic District pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(iv) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 7, 2021 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the “renewal date”), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-

renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such

other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other

address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Zhenwei and Wei Xu
1112 North Euclid Avenue
Ontario, CA 91762

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the

parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
City Manager

Attest

City Clerk

Approved as to Form

City Attorney

Dated: _____

By: _____
Zhenwei Xu, Owner

Dated: _____

By: _____
Wei Xu, Owner

**Exhibit A: Historic Property Preservation Agreement
Legal Description**

Address: 1112 North Euclid Avenue **APN:** 1047-542-04 **File No.:** PHP21-011
Ontario, CA 91762

The property located at: 1112 North Euclid Avenue
Ontario, CA 91762

is legally described as: COLLEGE PARK TRACT LOT 11 AND N 6 FT LOT 12 BLK 2

APN: 1047-542-04-0-000

**Exhibit B: Historic Property Preservation Agreement
Property Maintenance**

Address: 1112 North Euclid Avenue **APN:** 1047-542-04 **File No.:** PHP21-011
Ontario, CA 91762

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.7.01.045 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

**Exhibit C: Historic Property Preservation Agreement
Proposed Improvements**

Address: 1112 North Euclid Avenue **APN:** 1047-542-04 **File No.:** PHP21-011
Ontario, CA 91762

Contract Year	Description
2022:	Install new gas line and redo concrete.
2023:	Repair rotted and damaged wood framing in garage.
2024:	Install new water line and redo concrete.
2025:	Upgrade electrical panel and wiring.
2026:	Repair damaged plaster in basement and paint
2027:	Install new water heater
2028:	Paint exterior
2029:	Repair 28 wood windows on 1 st floor (replace ropes as needed, repair wood, add weatherstripping)
2030:	Repair cracks in exterior stucco/plaster
2031:	Repair 22 wood windows on 2 nd floor (replace ropes as needed, repair wood, add weatherstripping)

RESOLUTION NO. PC

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP21-012, THE MILLS ACT CONTRACT FOR THE HOMER BERGER HOUSE, LOCATED AT 1108 NORTH EUCLID AVENUE (APN: 1047-542-03).

WHEREAS, LUKE AND JESSICA BIDEAUX ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP21-012, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Homer Berger House, a Craftsman style single-family residence constructed in 1915, located at 1108 North Euclid Avenue (APN: 1047-542-03) is worthy of preservation and was designated by City Council on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

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

WHEREAS, on October 14, 2021, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC21-011, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 26, 2021, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Historic Property Preservation Agreement; and

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

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

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Homer Berger House, located at 1108 North Euclid Avenue, was designated by City Council on June 4, 2013 as a Contributor within the Euclid Avenue Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. Historic Preservation Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

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

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

SECTION 6. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

Historic Preservation Commission Resolution
File No. PHP21-012
October 26, 2021
Page 4

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Historic Preservation
Commission

Historic Preservation Commission Resolution
File No. PHP21-012
October 26, 2021
Page 5

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC21-_____, was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of December 2021, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Luke Bideaux and Jessica Bideaux (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(i) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Homer Berger House, generally located at the street address 1108 North Euclid Avenue, Ontario, CA 91762 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is incorporated herein by this reference;

(iii) On June 4, 2013, the City Council of the City of Ontario designated the Historic Property as a Contributor to the Euclid Avenue Historic District pursuant to the terms and provisions of Title 9, Chapter 1, Chapter 4 of the Ontario Municipal Code; and,

(iv) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 7, 2021 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the “renewal date”), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-

renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such

other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other

address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Luke and Jessica Bideaux
1108 North Euclid Avenue
Ontario, CA 91762

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the

parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
City Manager

Attest

City Clerk

Approved as to Form

City Attorney

Dated: _____

By: _____
Luke Bideaux, Owner

Dated: _____

By: _____
Jessica Bideaux, Owner

**Exhibit A: Historic Property Preservation Agreement
Legal Description**

Address: 1108 North Euclid Avenue **APN:** 1047-542-03 **File No.:** PHP21-012
Ontario, CA 91762

The property located at: 1108 North Euclid Avenue
Ontario, CA 91762

is legally described as: COLLEGE PARK TR S 60 FT LOT 12 AND N 6 FT LOT 13 BLK 2

APN: 1047-542-03-0-000

**Exhibit B: Historic Property Preservation Agreement
Property Maintenance**

Address: 1108 North Euclid Avenue **APN:** 1047-542-03 **File No.:** PHP21-012
Ontario, CA 91762

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.7.01.045 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

**Exhibit C: Historic Property Preservation Agreement
Proposed Improvements**

Address: 1108 North Euclid Avenue **APN:** 1047-542-03 **File No.:** PHP21-012
Ontario, CA 91762

Contract Year	Description
2022:	Replace rotted and damaged wood shingle siding at exterior.
2023:	Install new smoke detectors and update electrical outlets.
2024:	Sand, prep and paint interior of windows.
2025:	None
2026:	Interior paint, repairs to sprinklers, porch and attic fan.
2027:	New first floor HVAC unit remove old ductwork and furnace.
2028:	Remove tile and refinish original wood flooring at entryway. Repair 5 windows at rear of house, seal around windows.
2029:	Restore damaged bricks on front porch pony wall.
2030:	Repair flat roof at rear of house and other roof repairs.
2031:	Replace composition shingles at front of house

FILE NOS: PDEV20-020 and PHP21-014

SUBJECT: A Certificate of Appropriateness (File No. PHP21-014) and Development Plan (File No. PDEV20-020) to construct a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land, located and bound by D Street to the north, C Street to the south, Euclid Avenue to the west and Lemon Avenue to the east, within the C1 block of the Downtown Civic Center Planned Unit Development ("DCCPUD") and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts. APNs: 1048-551-10, 1048-551-11, and 1048-551-12; **submitted by Hutton Development.**

PROPERTY OWNER: City of Ontario

RECOMMENDED ACTION: That the Planning Commission consider and adopt a Mitigated Negative Declaration and approve File Nos. PDEV20-020 and PHP21-014, pursuant to the facts and reasons contained in the staff report and attached resolution(s), and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 1.66 acres of land bordered by D Street to the north, C Street to the south, Euclid Avenue to the west and Lemon Avenue to the east, within the C1 block of the Downtown Civic Center Planned Unit Development ("DCCPUD"), and is depicted in Figure 1: Project Location, right. The existing site is currently developed with a partially paved surface parking lot. Existing surrounding land uses include commercial to the west, across Euclid Avenue, the Ovitt Family Community Library to the east, retail to the north, and retail and the Ontario Town Square to the south. A new 5-level public parking structure is currently under construction at the northwest corner of C



Figure 1: Project Location

Case Planner:	Diane Ayala
Planning Director Approval:	
Submittal Date:	09/15/2020

Hearing Body	Date	Decision	Action
HPSC	10/14/2021	Approval	Recommend
DAB	10/18/2021	Approval	Recommend
PC	10/26/2021		Final
CC			

Street and Lemon Avenue adjacent to the Project site. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — In June 2006, the City Council adopted Ordinance No. 2829 approving the Downtown Civic Center Planned Unit Development (“DCCPUD”), which governs land use and development within the 6-block area immediately adjacent to the Civic Center complex and is depicted in Exhibit A—DCCPUD Area, attached. The land uses designated for each block are as follows:

- A1 and C1 Blocks (Commercial/Residential Mixed-Use) — The A1 and C1 blocks are designated for vertically-mixed commercial and residential uses (apartments or condominiums) in a mid-rise configuration, with commercial uses on the ground floor and residential units on the 3 upper floors. A total of 36,000 square feet of commercial floor area is permitted for each block and residential units may be developed at a density of 45 to 50 dwelling units per acre, not to exceed 100 to 110 dwellings per block. The maximum floor area ratio is 2.7 for all uses.
- A2 Block (Apartments) — The A2 block is designated for multiple-family dwellings at a density range of up to 65 dwelling units per acre, not to exceed 160 housing units, constructed in a stacked-flat configuration over subterranean parking facilities.
- A3 and A4 Blocks (Townhomes) — The A3 and A4 blocks are designated for attached multiple-family townhouse dwellings with tuck-under parking, constructed within a density range of 25 to 35 dwelling units per acre, not to exceed 140 housing units.
- B1 Block (Civic Plaza) — The B1 block is designated for development with a public plaza to provide passive recreation opportunities for the downtown area. Commercial uses are also allowed in this block, not to exceed 10,000 square feet in total area and 2-stories in height. The commercial uses would be housed within the historically significant Bank of Italy building, located at the southwest corner of the block, and a new building that may be constructed at the northwest corner of the block.

Along with the adoption of the DCCPUD in 2006, the Planning/Historic Preservation Commission approved a Certificate of Appropriateness (File No. PHP06-007) to demolish 2 historic buildings located on the C1 block, at 310 and 318 North Euclid Avenue, and a Development Plan (File No. PDEV06-009) for the development of the A2, A3 and A4 blocks with multiple-family residential units and the C1 block with a commercial and residential mixed-use project. Prior to demolition, the 2 historic buildings were fully documented and cataloged, and mitigation fees were paid as required by the Mitigation Measures

Monitoring Table in the Certified DCCPUD Environmental Impact Report. The A2, A3, and A4 blocks have since been developed by the JH Snyder Company and have been fully occupied since 2009. The C1 block, however, was not constructed due to the economic downturn of 2008 through 2012.

In June 2011, the City Council adopted Ordinance No. 2937, approving an amendment to the DCCPUD to increase the maximum density range for residential development within the Commercial/Residential Mixed-Use District of the C1 block, from 45-50 dwelling units per acre to 45-65 dwelling units per acre, and provided an allowance of “for sale” and “for rent” housing within the A1 and C1 blocks.

In June 2012, the Planning/Historic Preservation Commission, approved a Certificate of Appropriateness (File No. PHP12-005) to facilitate the development of the B1 block with a 1.7-acre park. The Ontario Town Square has been fully developed by the City of Ontario and the historic Bank of Italy landmark building is currently being rehabilitated and adaptively reused for up to 3 restaurants.

On March 23, 2021, the Planning Commission approved a Development Plan (File No. PDEV20-031) to construct a 5-level public parking structure with +/- 411 parking spaces at the northwest corner of C Street and Lemon Avenue, within the C1 block, and recommended approval of an Amendment to the DCCPUD (File No. PUD20-002) to the City Council. On April 6, 2021, City Council approved the Amendment to facilitate the development plan.

(2) Development Plan (File No. PDEV20-020)

(a) **Site Design/Building Layout:** The Application proposes the construction of one mixed-use building consisting of 144 residential apartment units, at a density of 60.2 dwelling units per acre across the C1 block (2.39 acres), with approximately 4,500 square feet of ground floor commercial uses, as depicted in Exhibit B—Site Plan, attached. The proposed L-shaped building will have 4-stories, with an overall average height of 54 feet, and constructed with an approximate 3-foot setback from Euclid Avenue, an average 7-foot setback from C Street, 2-foot setback from D street, 5.5 to 13-foot setback from Lemon Avenue, and a 10 to 15-foot setback from the adjacent parking structure.

The stacked-flat residential unit configuration will provide one and 2-bedroom apartments centered around 3 green courtyards and one outdoor recreation area. Oriented towards Euclid Avenue, the ground floor commercial units are divided by a mid-block recessed plaza that leads to a gated landscaped green courtyard area. Residential units, as described in the table below, will be accessible from interior hallways, one on-site elevator, and 5 stairwells. Each unit will have private deck or patio 90 square feet in size that will be enclosed with a decorative metal railing. Five commercial units, ranging in size from approximately 800 to 1,100 square feet, will have Euclid Avenue frontage. The remaining commercial units on the block, also designed as a traditional

storefront, will house the administrative operations and provide space for indoor amenities, storage, and mailboxes for residential tenants.

Residential Floor Plans

Plan No.	Area (in SF)	No. Bedrooms	No. Baths	No. of Units
P1-0	632	1 bedroom	1 bath	15
P1-1	674	1 bedroom	1 bath	45
P1-2	694	1 bedroom	1 bath	28
P2-0	864	2 bedrooms	2 baths	13
P2-1	959	2 bedrooms	2 baths	11
P2-2	986	2 bedrooms	2 baths	32
TOTAL RESIDENTIAL UNITS				144

(b) **Site Access/Circulation:** The Project will be limited to pedestrian access at multiple locations throughout the site. All commercial units will have direct access from Euclid Avenue. Residents will have secured and gated access to their units, amenity areas, and green courtyards from Euclid Avenue, C Street, D Street, Lemon Avenue, and the adjacent public parking structure.

(c) **Parking:** The Project requires 259 vehicle parking spaces as specified in the DCCPUD and shown in the table below. In order to achieve the preferred Project density, parking will not be provided on-site. However, the Project will utilize the adjacent public parking facility (411 parking spaces) to provide the required off-street parking spaces through an approved shared parking agreement with the City. Residential parking spaces will be designated on the top 3 levels of the public parking facility, behind a security gate, and designated commercial parking spaces will be provided at ground level. Access to the units and site will be from secured doors and gates located on the ground floor or by pedestrian bridges located on the second, third and fourth levels of the public parking structure.

Land Use	Parking Ratio	Spaces Required	Spaces Provided
200 total bedrooms	1.2 spaces per bedroom (includes visitor)	240	240
4,250 SF commercial	1 per 250 SF GFA	19	19
TOTAL		259	259

(d) **Architecture:** The building will be designed in a contemporary architectural style, as depicted in Exhibit C—Floor Plans, Exhibit D—Exterior Elevations, and Exhibit E—Project Renderings, attached. Ground floor commercial units are designed as a

traditional storefront with a bulkhead (base), display windows, transom windows above display windows and entry door, and a mid-panel floor to distinguish from the upper residential floors. Brick veneer, in a variety of colors and texture, will emphasize the first story of the building and the upper stories will have a smooth trowel finish and scored horizontal and vertical reveals. The residential units that are located on the recessed courtyards will have a combination of smooth stucco finish and horizontal cementous siding. Vertical panels with windows will be inset from the exterior wall face and metal awnings are strategically placed over first and fourth story windows to provide visual relief. The building has a parapet roof with decorative cornice.

The Project illustrates the type of high-quality mixed-use development and architecture promoted by the DCCPUD, Downtown Design Guidelines, and the Secretary of Interior Standards for the Treatment of Historic Properties. This is exemplified through the use of:

- Articulation in building footprint and in dipartite and tripartite divisions, creating breaks in horizontal massing; and
- Articulation in storefront modulation through color and material changes, bulkhead/base, display windows, transom windows, glass entry doors with kickplates, and mid-floor panels; and
- Articulation in the building parapet and roof lines, which serves to accentuate the building's entries and openings, and breaks up large expanses of building wall; and
- Variations in building massing by setting back the upper stories at strategic locations; and
- Articulation of prominent building corner (C Street and Euclid Avenue), recessed corner first floor entrance with wrap around balconies on the upper residential floors providing views of Euclid Avenue and Town Square; and
- Recessed and symmetrically arranged upper floor windows; and
- A mix of exterior materials, finishes, fixtures, and color blocking.

(e) **Open Space/Landscaping:** Approximately 28,828 square feet of common open space and recreation amenities are provided throughout the site, which includes landscaped courtyards, a pool court with seating and fireplace, outdoor lounge, plaza areas, and landscaped building setback areas, meeting the minimum requirement of 28,800 square feet, at a ratio of 200 square feet per dwelling unit. Additional on-site amenities for residential tenants include a 960-square-foot indoor fitness room, long term bicycle parking, and storage area. Landscaping is provided for the full length of the Project street frontages, courtyards, and passage area from the public parking structure to the site. A variety of accent and shade trees in 24-inch, 36-inch, and 48-inch box and 15-gallon sizes have been provided. Decorative paving and lighting will be provided at

entries, pedestrian walkways, and other key locations throughout the Project, as depicted in Exhibit F—Landscape Conceptual Plan, attached.

(f) **Utilities (drainage, sewer):** Public utilities (water and sewer) are available to serve the Project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (“PWQMP”), which establishes the Project’s compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (“LID”) best management practices (“BMPs”), such as retention and infiltration, biotreatment, and evapotranspiration.

(3) Certificate of Appropriateness —Section 6.01.035 (Overlay Zoning Districts) of the Ontario Development Code, requires Certificate of Appropriateness approval in conjunction with a Development Plan proposed within the Euclid Avenue Overlay Zoning District. The Euclid Avenue Overlay Zoning District is intended to recognize, protect, and enhance the visual character and quality of Euclid Avenue as a historic resource (cultural landscape) and safeguard Euclid Avenue’s position on the National Register of Historic Places. The intent of the Overlay Zoning District is not to create a false sense of history with any new development along the Euclid Avenue Corridor, but rather to ensure that new development does not cause an adverse effect on the character-defining features of Euclid Avenue, such as the 60 foot wide landscaped median, rock curbs, and King’s Standard lampposts. Additionally, all new construction should be compatible with the surrounding developments in site design, massing, and scale.

The Secretary of the Interior Standards for the Treatment of Historic Properties, also referred to as “the Standards,” provide a critical part of the framework of the national preservation program and are widely used at the federal, state and local levels to guide work on historic resources and have been adopted and incorporated into the Ontario Development Code. The Standards state that alterations will not destroy historic features and spatial relationships that characterize the historic resource and that new work will be differentiated from the old and will be compatible with historic materials, features, size, scale, proportion, and massing to protect the integrity of the resource.

The Downtown Design Guidelines, adopted in 1998, recognizes that downtown developed over several decades beginning in the late 1880s through the 1950s. As such, three retail districts were established to reflect the existing development and provide guidance on new context (infill) buildings. The Retail District is bordered by Emporia Street to the south, G Street to the north, Lemon Avenue to the east, and generally Laurel Avenue to the west. The Retail District is further divided by thematic subdistricts. The “Turn-of-the-Century” starts at Emporia Street and then transitions north to the “Historic 1920s-1940s” at B Street. The subdistrict transitions north, mid-block between C and D Streets, to the “Historic 1950s Style.” The Project site is located on the northern edge of the Historic 1920s-1940s retail subdistrict. Across from the Project site is the Jack Mercer Bandstand, the historic 3-story Emmons Building/Granada Theater built 1926 and constructed in a Moderne/Art Deco architectural style, the Ontario Laundry Building built

in 1941 and constructed in the Streamline Moderne architectural style, and the remainder of the buildings on the block are single-story with large display windows typical of 1950s period construction. North of the Project site is a single-story strip retail building, also constructed during the 1950s, the Ontario Town Square on the south, and the Ontario City Library is on the east. The commercial properties within this subdistrict have been constructed in a variety of styles, materials, and massing.

The design, site configuration, and landscaping of the Project is appropriate in scale and massing for the infill construction and will not detract or adversely affect the historic character of Euclid Avenue or the proposed Downtown Historic District.

On October 14, 2021, the Historic Preservation Subcommittee ("HPSC") reviewed the Project and recommended approval to the Planning/Historic Preservation Commission, subject to conditions of approval and are attached to this report. The Planning Commission, serving as the Historic Preservation Commission, must consider and clearly establish certain findings of facts for all Certificate of Appropriateness applications. The new construction, in whole or in part:

(a) *Will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource.* While there are no identified historic resources within the project site, the site has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. Through appropriate scale, massing and use of materials, the new construction is compatible with the surrounding buildings and consistent with the DCCPUD, and therefore, will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource; and

(b) *Will not detrimentally change, destroy or adversely affect the historic character or value of the resource.* While there are no identified historic resources within the Project site, the Project has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. The Project proposes appropriate building massing and scale, site design, building layout, and architecture that is in keeping with the area consistent with the DCCPUD; and

(c) *Will be compatible with the exterior character-defining features of the historic resource.* Although the Project site is not considered historic, the Project site has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. Through enhanced architectural elements in the modern commercial architectural style the proposed Project does not detract from the character of Euclid Avenue and the surrounding area; and

(d) *Will not adversely affect or detract from the character of the historic district.* Through enhanced architectural elements, which is in compliance with the DCCPUD, Downtown Design Guidelines, and the Secretary of Interior Standards, the proposed Project does not detract from the character of neither Euclid Avenue nor the proposed Downtown Historic District.

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where

residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

- Goal LU2: Compatibility between a wide range of uses.

- LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.

- CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

- CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➤ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and

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

- CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;

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

- Landscaped parkways, with sidewalks separated from the curb.

- CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

- CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
 - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

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

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center

PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council on June 21, 2011. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Planned Unit Development
Site	Undeveloped/Paved surface parking lot	Downtown Mixed-Use	MU-1 Mixed Use Downtown	DCCPUD
North	Commercial, Retail and Office	Downtown Mixed-Use	MU-1 Mixed Use Downtown	None
South	Commercial & Public Park	Downtown Mixed-Use and Open Space-Recreation	MU-1 Mixed Use Downtown	DCCPUD
East	Civic Center	Public Facility	Civic	N/A
West	Euclid Avenue Median and Commercial	Downtown Mixed-Use	MU-1 Mixed Use Downtown	None

Parking:

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
Residential	200 beds	1 per bedroom	200	200
Residential Visitor	200 beds	0.2 per bedroom	40	40
Commercial	4,250 SF	1 per 250 SF/GFA	19	19
TOTAL			259	259

General Site & Building Statistics

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Project area (in acres):	N/A	1.66 acres	NA
Floor Area Ratio:	.04	2.7 (Max.)	Y
Maximum project density (dwelling units/ac):	65 DUs/AC	60.2 DUs/AC	Y
Maximum coverage (in %):	N/A	27%	N/A
Setback (in FT) from Euclid Ave.:	0-3 FT	3 FT	Y
Setback (in FT) from Lemon Ave:	4 FT	5.5- 13.5 FT	Y
Setback (in FT) from C Street:	4 FT 6 minimum	3-10 FT (average 7 FT)	Y
Setback (in FT) from D Street:	0-3 FT	2 FT	Y
Setback (in FT) from parking structure:	N/A	10-15 FT	N/A
Maximum height (in FT):	50 FT & 65 FT (architectural projection)	52-56 FT	Y
Open space – private:	12,960 SF (90 SF per unit)	13,653 SF	Y

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
Open space – common:	28,800 SF (200 SF per unit)	28,828 SF	Y

Dwelling Unit Count:

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
Total no. of units	108-155	144	Y
Total no. of buildings	N/A	N/A	N/A
No. units per building	N/A	N/A	

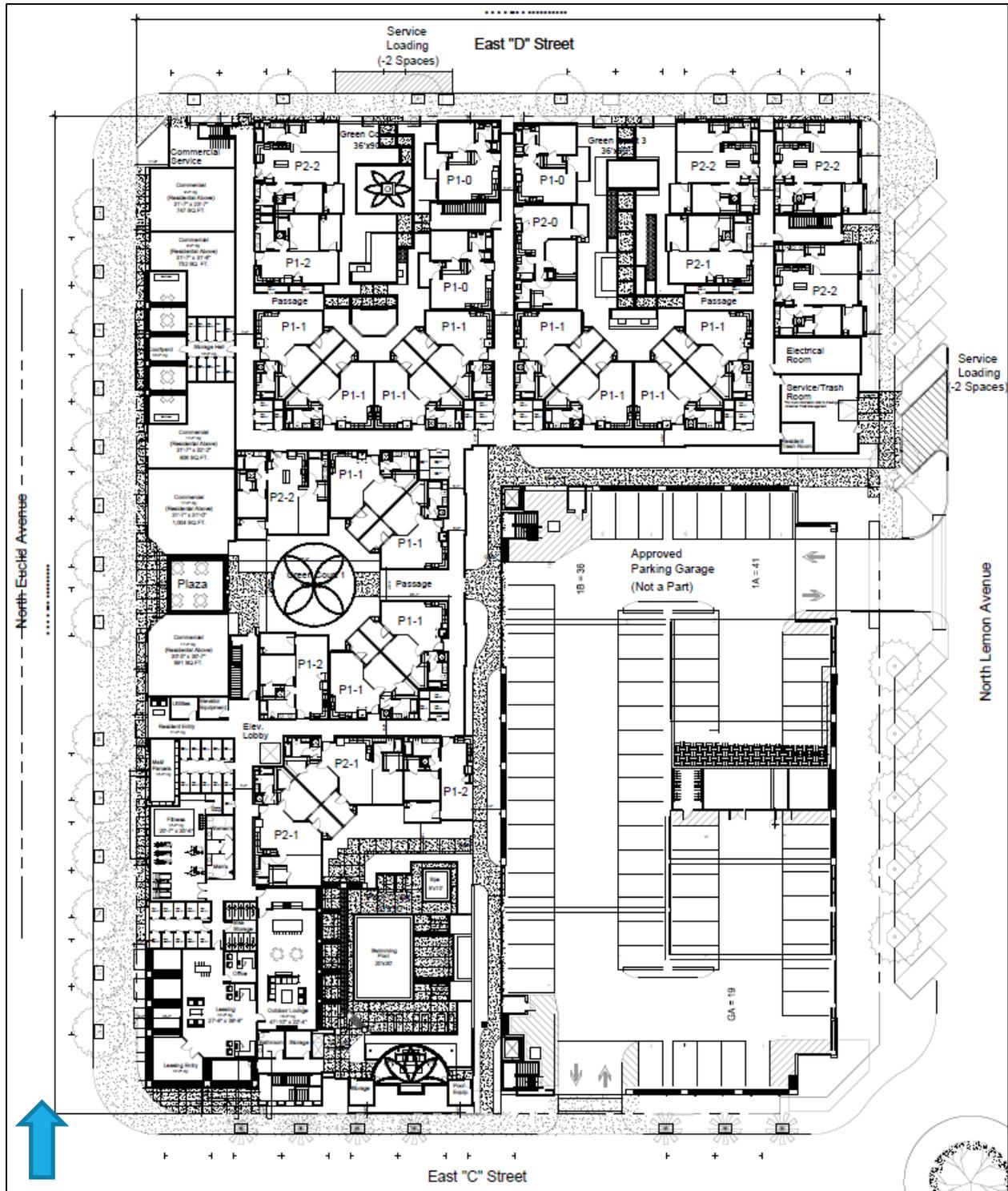
Dwelling Unit Statistics:

<i>Unit Type</i>	<i>Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in FT)</i>
P1-0	632	1	1	Stacked Flat	95 SF (average)
P1-1	674	1	1	Stacked Flat	95 SF (average)
P1-2	694	1	1	Stacked Flat	95 SF (average)
P2-0	864	2	2	Stacked Flat	95 SF (average)
P2-1	959	2	2	Stacked Flat	95 SF (average)
P2-2	986	2	2	Stacked Flat	95 SF (average)

Exhibit A—DCCPUD AREA

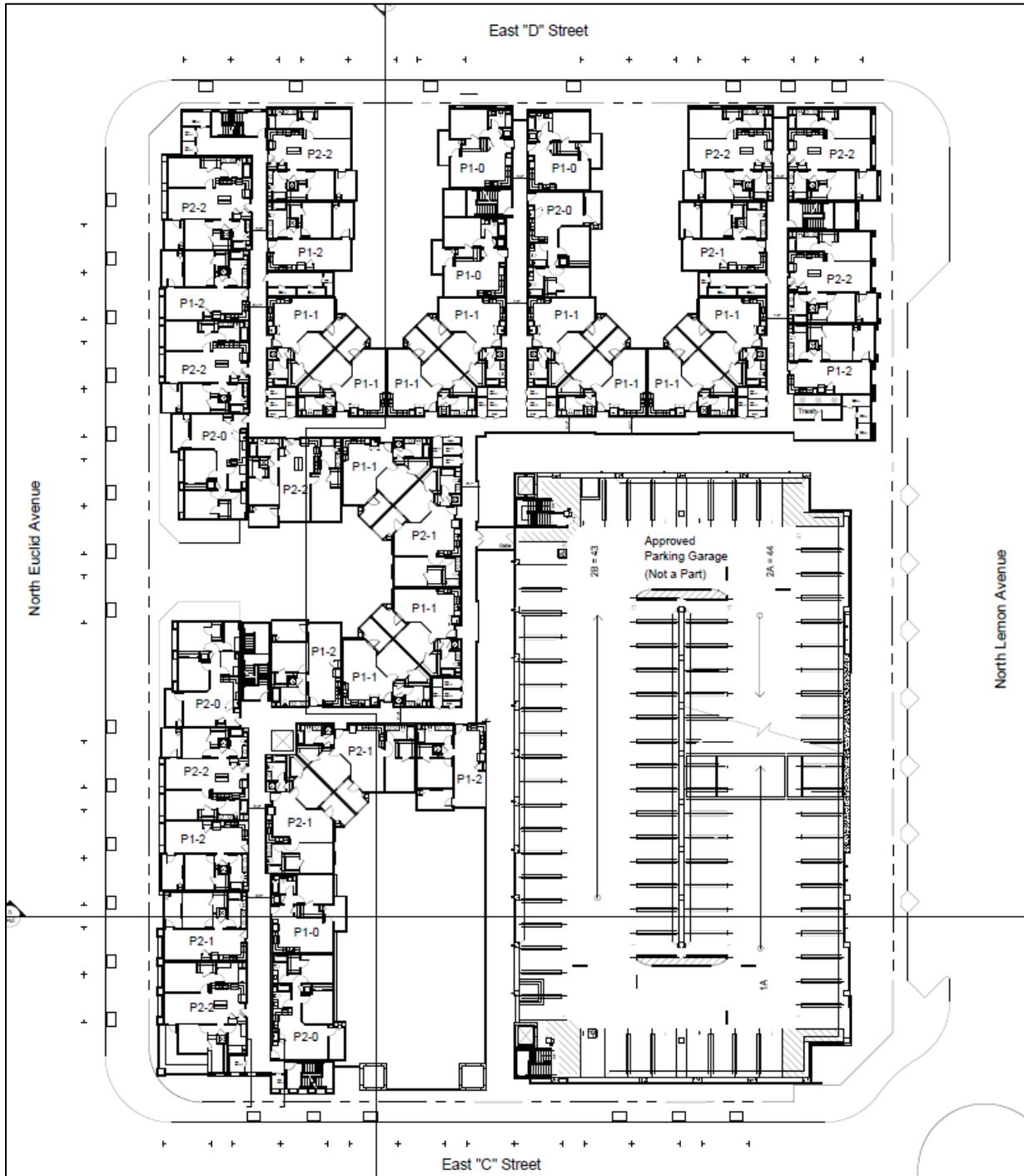


Exhibit C—FLOOR PLANS



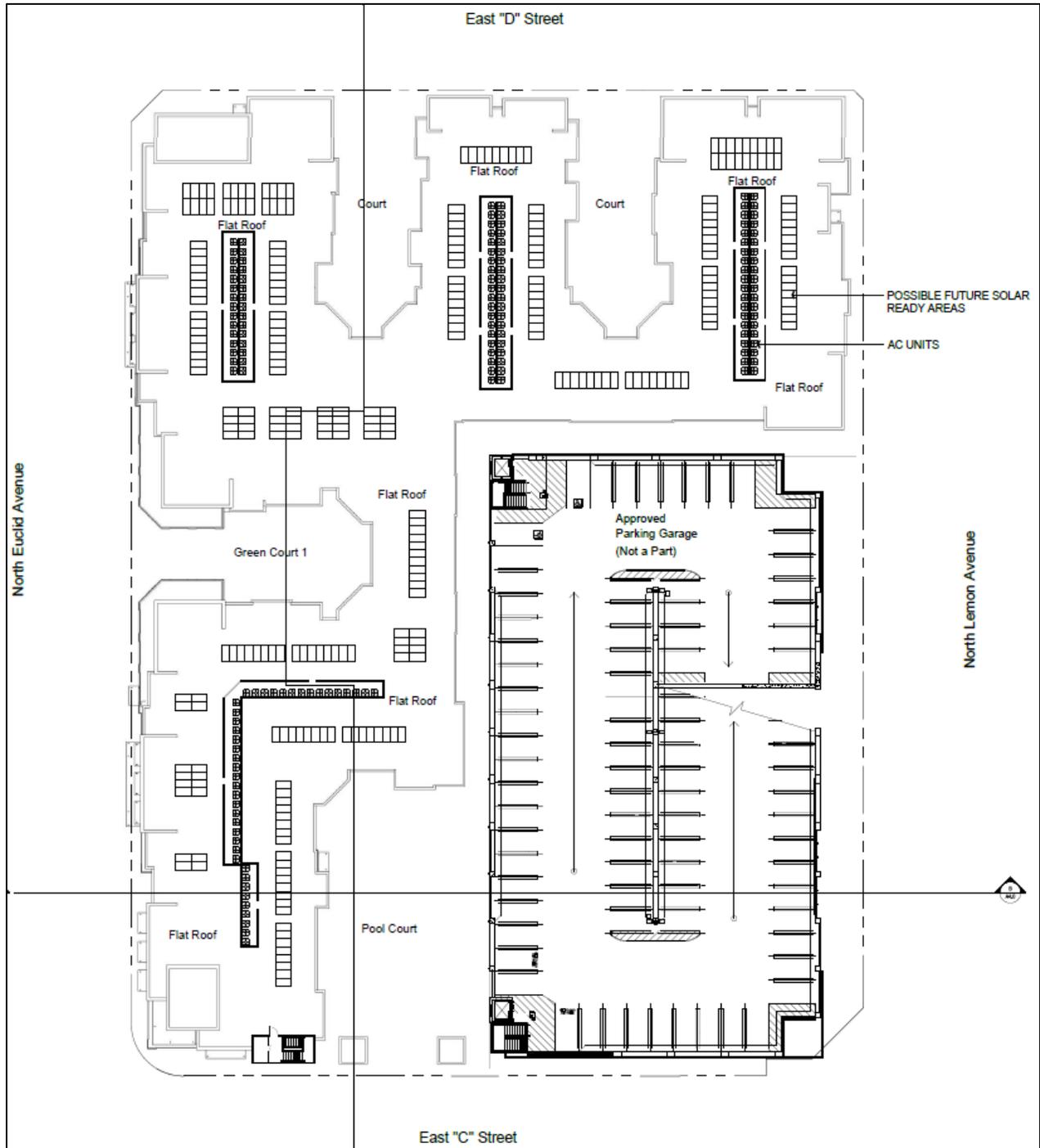
First Floor

Exhibit C—FLOOR PLANS (continued)



Second- Fourth Floors (Typical)

Exhibit C—FLOOR PLANS (continued)



Roof Level

Exhibit C—FLOOR PLANS (continued)

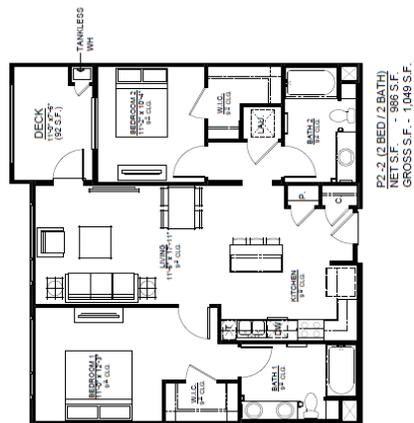
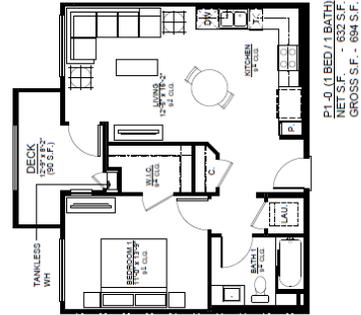
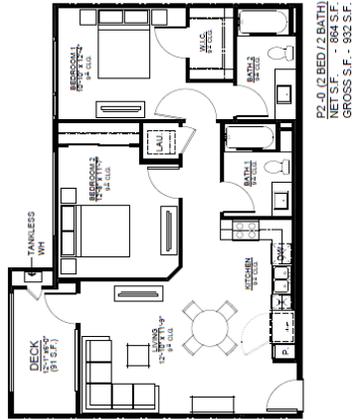


Exhibit D—EXTERIOR ELEVATIONS



Exhibit E—PROJECT RENDERINGS



Euclid Avenue (Recessed Plaza leading to Green Courtyard)



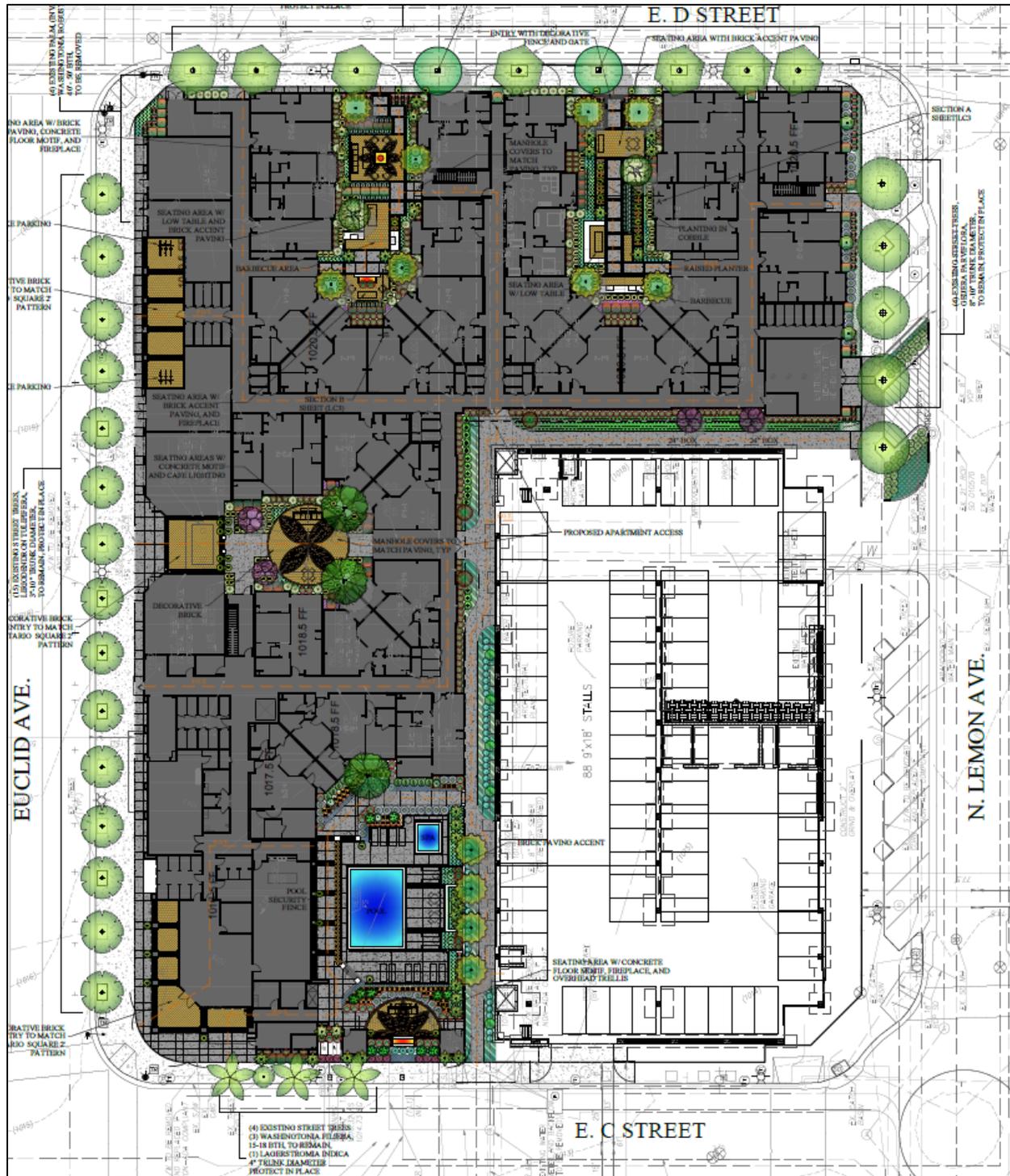
Euclid Avenue and C Street

Exhibit E—PROJECT RENDERINGS (continued)



Pool Court

Exhibit F—LANDSCAPE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV20-020, A DEVELOPMENT PLAN TO CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF 144 RESIDENTIAL APARTMENT UNITS AND APPROXIMATELY 4,500 SQUARE FEET OF GROUND FLOOR RETAIL ON 1.66 ACRES OF LAND BORDERED BY D STREET TO THE NORTH, C STREET TO THE SOUTH, EUCLID AVENUE TO THE WEST AND LEMON AVENUE TO THE EAST, WITHIN THE C1 BLOCK OF THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT ("DCCPUD") AND THE MU-1 (DOWNTOWN MIXED USE) AND EUCLID AVENUE OVERLAY ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-551-10, 1048-551-11, AND 1048-551-12.

WHEREAS, Hutton Development ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV20-020, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.66 acres of land bordered by D Street to the north, C Street to the south, Euclid Avenue to the west and Lemon Avenue to the east, within the C1 block of the Downtown Civic Center Planned Unit Development ("DCCPUD") and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts, and is presently improved with a partially paved surface parking lot; and

WHEREAS, the property to the north of the Project site is within the MU-1 (Mixed-Use Downtown) zoning district and is developed with commercial and office. The property to the east is within the Civic zoning district and is developed with Civic Center. The property to the south is within the DCCPUD area and is developed with retail and public park. The property to the west is within the MU-1 (Mixed-Use Downtown) zoning district and is developed with retail; and

WHEREAS, the Application proposes the construction of one mixed-use building consisting of 144 residential apartment units at a density of 60.2 dwelling units per acre and approximately 4,500 square feet of ground floor commercial uses; and

WHEREAS, the proposed L-shaped building will have 4-stories, with an overall average height of 54 feet, and constructed with an approximate 3-foot setback from Euclid Avenue, an average 7-foot setback from C Street, 2-foot setback from D street, 5.5 to 13-foot setback from Lemon Avenue, and a 10 to 15-foot setback from the adjacent parking structure; and

WHEREAS, the stacked-flat residential unit configuration will provide one and 2-bedroom apartments that will range in size from 632 to 986 square-feet and will be centered around 3 green courtyards and one outdoor recreation area. Oriented towards Euclid Avenue, the ground floor commercial units are divided by a mid-block recessed plaza that leads to a gated landscaped green courtyard area; and

WHEREAS, five commercial units, ranging in size from approximately 800 to 1,100 square feet, will have Euclid Avenue frontage. The remaining commercial units on the block, also designed as a traditional storefront, will house the administrative operations and provide space for indoor amenities, storage, and mailboxes for residential tenants; and

WHEREAS, the Project requires 259 vehicle parking spaces and will utilize the adjacent public parking facility to provide the required off-street parking spaces through an approved shared parking agreement with the City; and

WHEREAS, approximately 28,828 square feet of common open space and recreation amenities is provided throughout the site, which includes landscaped courtyards, a pool court with seating and fireplace, outdoor lounge, plaza areas, and landscaped building setback areas meeting the minimum requirement of 28,800 square feet, at a ratio of 200 square feet per dwelling unit; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council on June 21, 2011, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on October 18, 2021, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB21-053, recommending the Planning Commission approve the Application; and

WHEREAS, on October 26, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center

Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004).

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

(5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

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

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

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

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

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

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

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

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

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

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Downtown Mixed-Use land use district of the Policy Plan Land Use Map, and the MU-1 Mixed-Use Downtown zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code, MU-1 Mixed-Use Downtown zoning district, and the Downtown Civic Center Planned Unit Development including standards relative to the particular land use proposed (Commercial and Residential Mixed-Use), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Downtown Civic Center Planned Unit Development are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Downtown Civic Center Planned Unit Development.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Downtown Civic Center Planned Unit Development that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (commercial and residential mixed use). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the

conditions of approval, will be consistent with the development standards and guidelines described in the Downtown Civic Center Planned Unit Development.

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

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

SECTION 8: 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 9: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV20-020
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 10/18/2021

File No: PDEV20-020

Related Files: PHP21-014

Project Description: A Development Plan (File No. PDEV20-020) to construct a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land, located and bound by D Street to the north, C Street to the south, Euclid Avenue to the west and Lemon Avenue to the east, within the C1 block of the Downtown Civic Center Planned Unit Development ("DCCPUD") and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts.; (APN(s) 1048-551-10, 1048-551-11, and 1048-551-12); **submitted by Hutton Development.**

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

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

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

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

2.1 Time Limits.

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

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

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

2.3 Landscaping.

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

(b) Plazas, green courtyards, and pool area shall incorporate pavers designed in a layout to match adjacent Town Square and parking structure for maximum compatibility.

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

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

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

2.4 Walls and Fences.

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

(b) Solid walls and pilasters shall be treated with a decorative cap.

(c) Tube steel fence along the Project perimeter at Green Courtyards 2 and 3 shall be placed a minimum of 1 Foot setback from the building wall face to break.

2.5 Parking, Circulation and Access.

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

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

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

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

(e) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

(f) A total of 259 parking spaces are required for the Project and will be provided off-site. The Project will utilize a City-owned parking facility, located at the northwest corner of C Street and Lemon Avenue, to provide the required off-street parking spaces. The Applicant shall enter into a lease agreement with the City to designate 200 residential parking spaces and 21 visitor parking spaces on the top 3 levels of the public parking facility, behind a security gate, and designate 10 commercial parking spaces at the ground level. The remaining 28 visitor parking spaces will be unassigned, but there is adequate parking supply within the parking facility and surrounding public streets. Access to the residential units and site will be from secured doors and gates located on the ground floor or by pedestrian bridges located on the second, third and fourth levels of the public parking structure.

2.6 Architectural Treatment.

(a) Construct storefronts in an extruded aluminum frame to provide a definitive cross section profile between frame or face of sash and the glass.

(b) Storefronts shall have a bulkhead (base) 12 to 15 inches in height and shall be finished with a solid decorative material such as tile, stucco, or veneer to match building. The bulkhead shall be topped with a bullnose to delineate the change of material to the storefront.

(c) Storefront display windows may be composed of single pane of glass or be divided into smaller lights by glazing bars or muntins.

(d) Transom windows above the display windows shall be provided. The window heights should range from 2 to 3 feet, depending on overall floor height.

(e) Storefront entrance doors should be kept simple and be aluminum framed with clear glass and may have a kickplate. Sidelights and transom windows above doors are encouraged. Reflective or "black out" window tinting is prohibited.

(f) Entrances located along Euclid Avenue shall be located every 50 Feet, to a maximum separation of 100 feet, depending on ground floor use.

(g) Spaces such as lobbies, common amenity spaces, leasing offices, or similar spaces shall have transparent window storefronts. These spaces should have direct access to the adjacent street, patio, or open space.

(h) Windows on residential units shall avoid large and bulky frames with little to no reveal on the window profile. Aluminum or fiberglass frame windows with adequate profile reveals in a medium to dark color shall be used. White or light beige colors shall be avoided. Vinyl framed windows, which are typically bulky, have little to no reveal on window profile and give a flat appearance. At the Planning Director's discretion, special consideration may be made for vinyl framed windows that can demonstrate characteristics of the required window profile.

(i) The use of grids, grilles, or muntins on residential windows shall be sculpted and on the exterior of the glass. Simulated divided lites (between glass) shall be avoided.

(j) Windows and panels with windows located on exterior building walls adjacent to Euclid Avenue, C Street, D Street, and Lemon Avenue shall be recessed a minimum of 1 to 2 feet from building wall face. All other residential windows shall have a minimum recess of 2 inches from building wall face.

(k) Brick veneer, in a variety of color and texture, shall wrap the exterior building wall corners and terminate at the next wall that runs perpendicular. Veneer shall have a bull nose edge where the finished wall material changes (stucco) and around windows to provide an adequate recess and reveal.

(l) Horizontal siding shall be a Cementous material or similar. Stucco shall have a smooth finish, such as a "medium sand float," where applied on exterior walls of the residential units. Stucco applied to first floor exterior building walls and mid-panel floor along Euclid Avenue shall have a smooth finish applied with techniques which include steel trowel, Santa Barbara, Cat Faces, or California. Lace and Dash stucco finishes should be avoided.

(m) Metal awning and railing shall have a powder coated or anodized finish. Paint application on metal should be avoided.

(n) Color blocking shall be applied to Project to differentiate modulation and accentuate varying building wall projection.

(o) Mid-panel floor should be 2 to 3 feet to delineate between the first floor commercial and the upper residential floors and provide a sign band area.

(p) Applicant shall work with staff to ensure appropriate sizes of building cornice treatment at key locations.

2.7 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.8 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.9 Security Standards.

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

(b) A site security management plan shall be reviewed and approved by the Ontario Police and Planning Departments, prior to issuance of Building Occupancy.

2.10 Signs.

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

(b) A sign program application and plans shall be submitted and approved for the site prior to the installation of any signs.

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

2.12 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an **Addendum to Ontario Downtown Civic Center Environmental Impact Report** (State Clearinghouse No. 200405115, certified on November 16, 2004), was adopted by the City Council on June 21, 2011. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act ("CEQA")" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required

investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

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

2.14 Additional Fees. After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.15 Additional Requirements.

(a) If deemed necessary by the City Engineer, in collaboration with OmniTrans, a bus shelter shall be constructed along Project's frontage on D Street. Design and finished materials shall be consistent with the existing decorative bus shelters on Euclid Avenue within the Downtown.

(b) Public art should be placed throughout the Project site that create a sense of place and visual interest. Wall art should be placed within plaza or pedestrian areas and displays are strongly encouraged within outdoor plaza areas.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PDEV20-020</u> RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

CITY PROJECT ENGINEER & PHONE NO: Miguel Sotomayor (909) 395-2108 *MS*

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

DAB MEETING DATE: October 18, 2021

PROJECT NAME / DESCRIPTION: A Development Plan to construct a mixed use development consisting of 145 residential apartment units and 6,000 square feet of ground floor retail for 1.66 acres of land within the MU-1 (Downtown Mixed Use) zoning district.

LOCATION: SEC Euclid Avenue and D Street

APPLICANT: Hutton Companies

REVIEWED BY: *Raymond Lee* *10/18/21*
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: *[Signature]* *10-2-21*
 Khoi Do, P.E. Date
 City Engineer



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

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
_____ feet on _____
Property line corner 'cut-back' required at the intersection of _____
and _____.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____

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

(1) _____

(2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.



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

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

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

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario per TM-18029-3.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a:
 - Certificate of Compliance with a Record of Survey;
 - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
 - Make a Dedication of Easement.



- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.

- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

- 2.08 **Submit a soils/geology report.**

- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans) – Work along Euclid Avenue**
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other

- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____ and _____.

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

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).



- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**

- 2.14 **The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.**

- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**

- 2.16 **Other conditions:**
 - a. **As part of the precise grading plans submittal, the applicant/developer shall provide a Final Utilities Systems Map that shows all existing and proposed Utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.**

 - b. **The applicant/developer shall submit a record of survey (per section 66428 of the Subdivision Map Act) once the grant/sale of the City property is completed.**

 - c. **Vacate the following easement(s):**
 - i. **Public Utility Easement reserved on vacated alley per Resolution No. 2006-129.**

 - d. **All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.**



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

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

Improvement	C Street	Lemon Avenue	D Street	Euclid Avenue
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> New at existing drive approach being removed	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> New at existing drive approaches being removed	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk^(a)	<input checked="" type="checkbox"/> New at existing drive approach being removed <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New at existing drive approach being removed <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



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



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

- a. **The applicant/developer shall remove and replace the uplifted sidewalk panels along C Street. The existing sidewalk along property frontages shall also be verified if it is ADA compliant. Sidewalk along property frontage may need to be removed and replaced if it does not meet ADA.**

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 A _____ inch sewer main is available for connection by this project in _____ (Ref: Sewer plan bar code: _____)
- 2.24 **Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 170 feet away on Lemon Avenue and C Street.**
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 **Other conditions:**
 - a. **The applicant/developer shall abandon the two onsite sewer segments per City Standards and to the satisfaction of the City Engineer.**
 - b. **The applicant/developer shall extend the public sewer main in C Street from the roundabout on Lemon Avenue westerly towards Euclid Avenue to serve this project. A sewer lateral shall be constructed at 90 degrees from the extended sewer main to the project site.**
 - c. **The applicant/developer shall provide a grease interceptor for each proposed restaurant, therefore each restaurant shall have two sewer laterals, one for the grease interceptor and the other for domestic waste line. The sewer lateral line for the grease interceptor shall be connected downstream of the domestic waste line.**



D. WATER

- 2.27 **A 16", 8", 8" and 6" water main is available for connection by this project in Euclid Avenue, D Street, Lemon Avenue and C Street respectively. (Ref: Water plan bar code: W16352, W13534, W11438 and W11314)**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 **Other conditions:**
 - a. **The applicant/developer shall abandon any existing unused water service back to the existing main.**
 - b. **The applicant/developer shall not use neighbor's (Parking Structure Project) existing DCDA and water meter with backflow. In addition, these appurtenances are to be abandoned back to the water main. The project is to construct a new DCDA and water meter with a backflow fronting the proposed project.**

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.31 **Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.**
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 **Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.
- 2.34 **Other conditions:**
 - a. **The applicant/developer shall extend the recycled water main (currently charged with potable water) in C Street from the roundabout at Lemon Avenue westerly towards Euclid Avenue to serve this project. If recycled water is not live at the time of connection, installation of a backflow device back of the irrigation meter will be required.**

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 - 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.



- 2.37 Other conditions:**
- a. **The applicant/developer shall install full improvements at existing driveways not being used by project.**
 - b. **The applicant/developer shall design and construct a decorative bus shelter along the property frontage of D Street at the existing bus stop similar to the existing bus shelters on Euclid Avenue. The applicant/developer shall coordinate with City staff and Omnitrans for final location of decorative shelter. Provide an exhibit for the decorative bus shelter based on Omnitrans design guidelines prior to grading approval.**

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.
(Ref: Storm Drain plan bar code: _____)
- 2.39 **Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.**
- 2.40 **An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the westerly half of project on Euclid Avenue. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.**
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 **Other conditions:**
- a. **The applicant/developer shall pay a storm drain in-lieu fee in the amount of \$134,306.00 (per the Storm Drain Master Plan) for the future construction of the 39" storm drain along Euclid Avenue.**
 - b. **Westerly half of project site is tributary to Euclid Avenue which does not have an adequate drainage facility. The easterly half of project site is tributary to Lemon Avenue which contains an adequate drainage facility. See section 2.40 above for westerly half of project site.**

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.



If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.

Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcountry.gov/dpw/land/npdes.asp>.**
- 2.46 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: _____

J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.50 A _____ fiber optic line is available for connection by this project in _____. (Ref: Fiber Optic plan bar code: _____)
- 2.51 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located on Lemon Avenue approximately 230 feet north of C Street.**
- 2.52 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.**

L. INTEGRATED WASTE

- 2.52 **Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at: <https://www.ontarioca.gov/OMUC/IntegratedWaste>**
- 2.53 **Other conditions:**
 - a. **Waste handling and service shall comply with SWHP and IWMR submitted on August 25, 2021 and per the review and approval of the Integrated Waste Department.**



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

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

4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

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



EXHIBIT 'A'
ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist

Project Number: PDEV 20-020

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

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



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

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

CONDITIONS OF APPROVAL

Sign Off



09/16/2021

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PDEV20-020

Case Planner:

Diane Ayala

Project Name and Location:

Mixed-use Development
 C Block

Applicant/Representative:

Hutton Companies
 2520 N Saratoga Blvd
 Orange, CA 92867



Preliminary Plans (dated 08/25/21) meets the Standard Conditions for New Development. It is approved considering the following conditions below be met upon submittal of the landscape construction documents.



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

A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.
 Email Landscape plans to landscapeplancheck@ontarioca.gov
DIGITAL SUBMITTALS MUST BE 10MB OR LESS.

Civil/ Site Plans

1. Before permit issuance, stormwater infiltration devices in landscape areas shall be reviewed and plans approved by the Landscape Planning Division. Show locations of maintenance areas, access manholes, etc., for stormwater chambers. These areas shall be designed to avoid interruption in the decorative pavement and areas dedicated to enhanced landscape.
2. The pedestrian walkways between the parking structure and the development shall be designed to incorporate the enhanced paving pattern at the entrances and courtyards of the site and adjacent sites. Show the herringbone pattern with a wide border – brick in stacked pattern, 2', this banding shall also be used at regular intervals where necessary to break up the pattern along the walkway. Eliminate the rounded edges of the planters and use 90-degree angles for a more formal walkway.
3. Coordinate the landscape and grading plans with the dry utility plan for the location of the transformer; set back 3' from paving all sides. Final location to be shown and adequately screened during plan check.
4. Show irrigation, domestic, and fire water point of connections. Show backflow devices set back 3' from paving all sides. Locate on level grade
5. Locate utilities, including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans.
6. Note for compaction to be no greater than 85% in landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
7. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or stormwater infiltration areas are located shall be loosened by soil fracturing. For trees, a 12'x12'x18" deep area; for stormwater infiltration, the

entire area shall be loosened. Add the following information on the plans: The backhoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The backhoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference, see Urban Tree Foundation – Planting Soil Specifications.

Landscape Plans

8. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses, and duplicate groups in other locations at regular intervals.
9. Locate light standards, fire hydrants, water, and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
10. Show all utilities on the landscape plans. Coordinate, so utilities are clear of tree locations.
11. Show minimum on-site tree sizes per the Landscape Development standards; see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
12. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Diane Ayala, Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: September 29, 2020

SUBJECT: FILE #: PDEV20-020 A Development Plan to construct a mixed-use development consisting of 145 residential apartment units and 6,000 square feet of ground floor retail for 1.66 acres of land, within the MU-1 (Downtown mixed-Use) zoning district, located and bounded by D Street to the north, C Street to the south, Euclid Avenue to the east and Lemon Avenue to the west. APN: 1048-551-10,11 and 12.

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

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Not listed, assumed Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Not listed
- D. Number of Stories: 4
- E. Total Square Footage: Not listed
- F. 2016 CBC Occupancy Classification(s): R2

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

3.0 WATER SUPPLY

- ☒ 3.1 Do not have building square footage totals. Fire flow will be calculated at a later date.

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

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-

tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.

- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003. .
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.

<END.>



CITY OF ONTARIO

MEMORANDUM

TO: Diane Ayala, Senior Planner

FROM: Detective Gabe Gutierrez, Police Department

DATE: October 1, 2020

SUBJECT: **PDEV20-020: A DEVELOPMENT PLAN TO A CONSTRUCT A MIXED-USE PROJECT CONSISTING OF 145 RESIDENTIAL APARTMENT UNITS AND 6,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE LOCATED AND BOUNDED BY D STREET TO THE NORTH, C STREET TO THE SOUTH, EUCLID AVENUE TO THE EAST, AND LEMON AVENUE TO THE WEST.**

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

- Areas outside apartments, duplexes, and condominiums, are to be provided with a photocell operated exterior lighting system, which switches on at sunset and switches off at sunrise. This is to include walkways, doorways, drive aisles and other areas accessible by the public and common areas. Minimum 0.5 foot-candle of light shall be maintained in all common areas. Planned landscaping shall not obstruct lighting.
- During hours of darkness, all parking lots and carports shall be provided with minimum one foot-candle of light, measured on the parking surface. Lighting devices shall be fully protected with weather and vandalism resistant covers.
- First floor and all common stairwells shall be constructed to either allow for visibility through the stairwell risers or to prohibit public access to the areas behind stairwells. Prevention of public access shall not be constructed to allow for easy disregard of barrier and shall fully prohibit access to area.
- Parking garages, stairwells, blind spots and any hidden areas shall have Convex mirrors to allow for visibility to the areas.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed

street. Each building and/ or suite shall be labeled with the corresponding address and letter if applicable.

- Common areas for residents shall not be accessible or open to the public and shall be clearly marked restricted. Entry into these areas shall require an individual code, key, fob or remote access.
- Trash Enclosures shall prohibit public access. Trash enclosures shall remain locked and require code, key, fob or remote access.

The Applicant is invited to call Detective Gabe Gutierrez at (909) 408-1632 with any questions regarding these conditions.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Diane Ayala
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: August 17, 2020
SUBJECT: PDEV20-020

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.
2. Address to be: 346 N. Euclid Ave

KS:lr

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV20-020

Address: North East Corner of "C" Street and Euclid Avenue

APN: 1048-551-10, 11 & 12

Existing Land Use: Vacant/Parking Lot

Proposed Land Use: Development Plan to construct 145 multi-family units and 6,000 SF of retail

Site Acreage: 1.66 Proposed Structure Height: 55 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Diane Ayala

Date: 12/23/2020

CD No.: 2020-024

PALU No.: n/a

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

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2020-024
PALU No.: _____

PROJECT CONDITIONS

1. The maximum height limit for the project site is 70 feet and as such, any construction equipment such as cranes or any other equipment exceeding 70 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed and approved by the FAA prior to operating such equipment on the project site during construction.

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP21-014, A CERTIFICATE OF APPROPRIATENESS TO CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF 144 RESIDENTIAL APARTMENT UNITS AND APPROXIMATELY 4,500 SQUARE FEET OF GROUND FLOOR RETAIL ON 1.66 ACRES OF LAND BORDERED BY D STREET TO THE NORTH, C STREET TO THE SOUTH, EUCLID AVENUE TO THE WEST AND LEMON AVENUE TO THE EAST, WITHIN THE C1 BLOCK OF THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT ("DCCPUD") AND THE MU-1 (DOWNTOWN MIXED USE) AND EUCLID AVENUE OVERLAY ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-551-10, 1048-551-11, AND 1048-551-12.

WHEREAS, Hutton Development ("Applicant") has filed an Application for the approval of a Certificate of Appropriateness, File No. PHP21-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's historical foundation should be preserved and promoted in order to foster an understanding of the City's past, and provide future generations the opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario General Plan set forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Historic Preservation Ordinance requires issuance of a Certificate of Appropriateness for any proposed alteration to the exterior, construction, demolition, or new construction that affects a Historical Resource; and

WHEREAS, the Application applies to 1.66 acres of land bordered by D Street to the north, C Street to the south, Euclid Avenue to the west and Lemon Avenue to the east, within the C1 block of the Downtown Civic Center Planned Unit Development ("DCCPUD") and the MU-1 (Downtown Mixed Use) and Euclid Avenue Overlay zoning districts, and is presently improved with a partially paved surface parking lot; and

WHEREAS, the property to the north of the Project site is within the MU-1 (Mixed-Use Downtown) zoning district and is developed with commercial and office. The property to the east is within the Civic zoning district and is developed with Civic Center. The property to the south is within the DCCPUD area and is developed with retail and public park. The property to the west is within the MU-1 (Mixed-Use Downtown) zoning district and is developed with retail; and

WHEREAS, the Application proposes the construction of one mixed-use building consisting of 144 residential apartment units, at a density of 60.2 dwelling units per acre across the C1 block (2.39 acres), with approximately 4,500 square feet of ground floor commercial uses; and

WHEREAS, the proposed L-shaped building will have 4-stories, with an overall average height of 54 feet, and constructed with an approximate 3-foot setback from Euclid Avenue, an average 7-foot setback from C Street, 2-foot setback from D street, 5.5 to 13-foot setback from Lemon Avenue, and a 10 to 15-foot setback from the adjacent parking structure; and

WHEREAS, the stacked-flat residential unit configuration will provide one and 2-bedroom apartments that will range in size from 632 to 986 square feet and will be centered around 3 green courtyards and one outdoor recreation area. Oriented towards Euclid Avenue, the ground floor commercial units are divided by a mid-block recessed plaza that leads to a gated landscaped green courtyard area; and

WHEREAS, five commercial units, ranging in size from approximately 800 to 1,100 square feet, will have Euclid Avenue frontage. The remaining commercial units on the block, also designed as a traditional storefront, will house the administrative operations and provide space for indoor amenities, storage, and mailboxes for residential tenants; and

WHEREAS, the Project requires 259 vehicle parking spaces and will utilize the adjacent public parking facility to provide the required off-street parking spaces through an approved shared parking agreement with the City; and

WHEREAS, approximately 28,828 square feet of common open space and recreation amenities is provided throughout the site, which includes landscaped courtyards, a pool court with seating and fireplace, outdoor lounge, plaza areas, and landscaped building setback areas meeting the minimum requirement of 28,800 square feet, at a ratio of 200 square feet per dwelling unit; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on

November 16, 2004), was adopted by the City Council on June 21, 2011, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on October 14, 2021, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC21-007, recommending the Planning Commission approve the Application; and

WHEREAS, on October 26, 2021, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this Project were previously reviewed in conjunction with an amendment to the Ontario Downtown Civic Center PUD, File No. PUD08-001, for which an Addendum to the Ontario Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115, certified on November 16, 2004); and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

(5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

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

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the

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

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

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

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

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

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

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

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

against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The Project will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource.*** While there are no identified historic resources within the project site, the site has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. Through appropriate scale, massing and use of materials, the new construction is compatible with the surrounding buildings and consistent with the DCCPUD, and therefore, will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource.

(2) ***The Project will not detrimentally change, destroy or adversely affect the historic character or value of the resource.*** While there are no identified historic resources within the Project site, the Project has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. The Project proposes appropriate building massing and scale, site design, building layout, and architecture that is in keeping with the area consistent with the DCCPUD.

(3) ***The Project will be compatible with the exterior character-defining features of the historic resource.*** Although the Project site is not considered historic, the Project site has frontage along historic Euclid Avenue and is within the proposed Downtown Historic District. Through enhanced architectural elements in the modern commercial architectural style the proposed Project does not detract from the character of Euclid Avenue and the surrounding area.

(4) ***The Project will not adversely affect or detract from the character of the historic district.*** Through enhanced architectural elements, which is in compliance with the DCCPUD, Downtown Design Guidelines, and the Secretary of Interior Standards, the proposed Project does not detract from the character of either Euclid Avenue nor the proposed Downtown Historic District.

SECTION 6: *Historic Preservation Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Historic

Preservation Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

SECTION 8: *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 9: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Historic Preservation Commission
Chairman

ATTEST:

Rudy Zeledon
Planning Director and Secretary to the
Historic Preservation Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

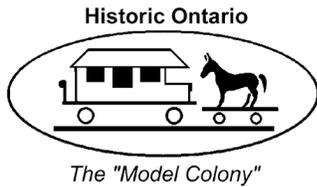
ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PHP21-014
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



CERTIFICATE OF APPROPRIATENESS

CONDITIONS OF APPROVAL

Date: October 26, 2021

File No.: PHP21-014

Location: C1 block of the Downtown Civic Center Planned Unit Development "DCCPUD," bound by Euclid Avenue to the west, Lemon Avenue to the east, C Street to the south and D Street to the north (APNs: 1048-551-10, 1048-551-11, and 1048-551-12)

Prepared By: Diane Ayala, Senior Planner

Description: A request for a Certificate of Appropriateness to facilitate the construction of a mixed-use development consisting of 144 residential apartment units and approximately 4,500 square feet of ground floor retail on 1.66 acres of land within the DCCPUD and MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts.

CONDITIONS OF APPROVAL

The above-described Project shall comply with the following Conditions of Approval

1. Time Limits.

1.1 The Certificate of Appropriateness shall become void twenty-four (24) months from the date of approval unless a building permit has been issued and work authorized by this approval has commenced prior to the expiration date and is diligently pursued to completion.

2. Landscaping/Wall Design.

2.1 Plazas, green courtyards, and pool area shall incorporate pavers designed in a layout to match adjacent Town Square and parking structure for maximum compatibility.

2.2 Solid walls and pilasters shall be treated with a decorative cap.

2.3 Tube steel fence along project perimeter at Green Courtyards 2 and 3 shall be placed a minimum of 1 Foot setback from the building wall face to break.

3. Architectural Treatment.

- 3.1 Construct storefronts in an extruded aluminum frame to provide a definitive cross section profile between frame or face of sash and the glass.



Example- Marvin Coastline Storefront

- 3.2 Storefronts shall have a bulkhead (base) 12 to 15 inches in height and shall be finished with a solid decorative material such as tile, stucco or veneer to match building. The bulkhead shall be topped with a bullnose to delineate the change of material to storefront. *Reference examples above and below.*



- 3.3 Storefront display windows may be composed of single pane of glass or be divided into smaller lights by glazing bars or muntins. *Reference example above.*
- 3.4 Transom windows above the display windows shall be provided. The window

Conditions of Approval

File No.: PHP21-014

October 26, 2021

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heights should range from 2 to 3 Feet depending on overall floor height.
Reference examples above.

- 3.5 Storefront entrance doors should be kept simple and be aluminum framed with clear glass and may have a kickplate. Sidelights and transom windows above doors are encouraged. Reflective or “black out” window tinting is prohibited.
- 3.6 Entrances located along Euclid Avenue shall be located every 50 Feet to a maximum separation of 100 Feet depending on ground floor use.
- 3.7 Spaces such as lobbies, common amenity spaces, leasing offices, or similar spaces shall have transparent window storefronts. These spaces should have direct access to the adjacent street, patio, or open space.
- 3.8 Windows on residential units shall avoid large and bulky frames with little to no reveal on the window profile. Aluminum or fiberglass frame windows with adequate profile reveals in a medium to dark color shall be used. White or light beige colors shall be avoided. Vinyl framed windows, which are typically bulky, have little to no reveal on window profile and give a flat appearance. At the Planning Director’s discretion, special consideration may be made for vinyl framed windows that can demonstrate characteristics of the required window profile.
- 3.9 The use of grids, grilles, or muntins on residential windows shall be sculpted and on the exterior of the glass. Simulated divided lites (between glass) shall be avoided.
- 3.10 Windows and panels with windows located on exterior building walls adjacent to Euclid Avenue, C Street, D Street, and Lemon Avenue shall be recessed a minimum of 1 to 2 feet from building wall face. All other residential windows shall have a minimum recess of 2 inches from building wall face.
- 3.11 Brick veneer, in a variety of color and texture, shall wrap the exterior building wall corners and terminate at the next wall that runs perpendicular. Veneer shall have a bull nose edge where the finished wall material changes (stucco) and around windows to provide an adequate recess and reveal.
- 3.12 Mid-panel floor should be 2 to 3 feet to delineate between the first floor commercial and the upper residential floors and provide a sign band area.

Conditions of Approval

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Mid panel floor

- 3.13 Exterior light fixtures shall be compatible with the overall modern commercial architectural style. Submit a cut sheet to the Planning Department for review and approval prior to issuance of building permit.
- 3.14 Horizontal siding shall be a Cementous material or similar. Stucco shall have a smooth finish, such as a “medium sand float,” where applied on exterior walls of the residential units. Stucco applied to first floor exterior building walls and mid-panel floor along Euclid Avenue shall have a smooth finish applied with techniques which include steel trowel, Santa Barbara, Cat Faces, or California. Lace and Dash stucco finishes should be avoided.
- 3.15 Metal awning and railing shall have a powder coated or anodized finish. Paint application on metal should be avoided.
- 3.16 Applicant shall work with staff to ensure appropriate sizes of building cornice treatment at key locations.
- 3.17 Color blocking shall be applied to the Project to differentiate modulation and accentuate varying building wall projection.
- 3.18 Public art should be placed throughout the Project site that create a sense of place and visual interest. Wall art should be placed within plaza or pedestrian areas and displays are strongly encouraged within outdoor plaza areas.

4. Signs.

- 4.1 A sign program application and plans shall be submitted and approved for the site prior to the installation of any signs. Signs shall conform to Division 8.01 (Sign Regulations) of the Ontario Development Code and the Downtown Design Guidelines.
5. Any deviation from the approved plans shall require approval of the Planning Department and, if necessary, the Historic Preservation Commission.

Conditions of Approval

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6. Conditions of Approval shall be reproduced onto all construction plans submitted for building permits.
7. Prior to Occupancy, the Planning Department shall inspect the premises to ensure the Conditions of Approval have been met and that the Project has been constructed per the approved plans.

FILE NO: PDA21-003

SUBJECT: A Development Agreement between the City of Ontario and Chino Avenue, LLC., to establish the terms and conditions for the development of Tentative Tract Map No. 20281 (File No. PMTT19-008), a 4.79-acre property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan. (APN: 0218-111-56). **Submitted by Chino Avenue LLC. City Council action is required.**

PROPERTY OWNER: Chino Avenue, LLC., a California limited liability company

RECOMMENDED ACTION: That the Planning Commission consider and recommend City Council adoption of an ordinance approving the Development Agreement (File No. PDA21-003) between the City of Ontario and Chino Avenue, LLC., pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 4.79 acres of land located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan and is depicted in Figure 1: Project Location.

PROJECT ANALYSIS:

(1) Background — On April 18, 2006, the City Council certified the Environmental Impact Report (State Clearing Housing No. 2004071001) and related Countryside Specific Plan, File No. PSP04-001, (the "Specific Plan"). The Specific Plan addressed the potential development of up to 819 single family detached residential units with connectivity to surrounding commercial and recreational facilities through a network of pedestrian sidewalks, bicycle trails, and landscaped paseos.

Chino Avenue, LLC ("Owner") has amended the Specific Plan (File No. PSPA19-001), to modify the Specific Plan to allow for: (1) the introduction of Neighborhood 3A; (2) an increase in allowable dwelling units from 819 to 825; and (3) use of the Cluster Court product within Neighborhood 3A.



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	05/11/21

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	10/26/21		Recommend
CC	11/16/21		Final

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules, and regulations. Therefore, the Owner has requested that the City enter into negotiations to create a Development Agreement ("Agreement").

In accordance with California Government Code Section 65865, which in part states that that "[a]ny city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property..." and California Government Code Section 65865.52, which in part states that "a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions..." the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Agreement (File No. PDA21-003) is based on upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders' members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

(2) Staff Analysis — The Agreement proposes to include 4.79 acres of land within the Neighborhood 3A land use district of the Countryside Specific Plan, as shown on the attached Exhibit A. The Agreement grants the Owner a vested right to develop Tentative Tract Map 20281 (the "Map"), provided the Owner complies with the terms and conditions of the Specific Plan and EIR.

The Map (see Exhibit B, attached) is located at 9510 East Chino Avenue and proposes to subdivide approximately 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with a Development Plan (File No. PDEV19-023) to construct 37 dwelling units, an associated recreation facility, residential, public/private streets, landscaped neighborhood edges, and common open space purposes.

The term of the Agreement is for 10 years, with a 5-year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees ("DIF") for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); Public Service Funding to ensure adequate provisions of public services (police, fire and other public

services); the creation of a Community Facilities District ("CFD") for the maintenance of public facilities.

Staff finds that the Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Planning Commission finds the Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

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

Housing Element:

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

Community Economics Element:

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

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
 - S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional, and distinct.

➤ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity, and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➤ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➤ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create, and define public and private spaces, and provide shade and environmental benefits.

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways, and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks, or public open spaces.

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces, and buildings.
 - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (37) and density (5-9 du/ac) specified in the Available Land Inventory.

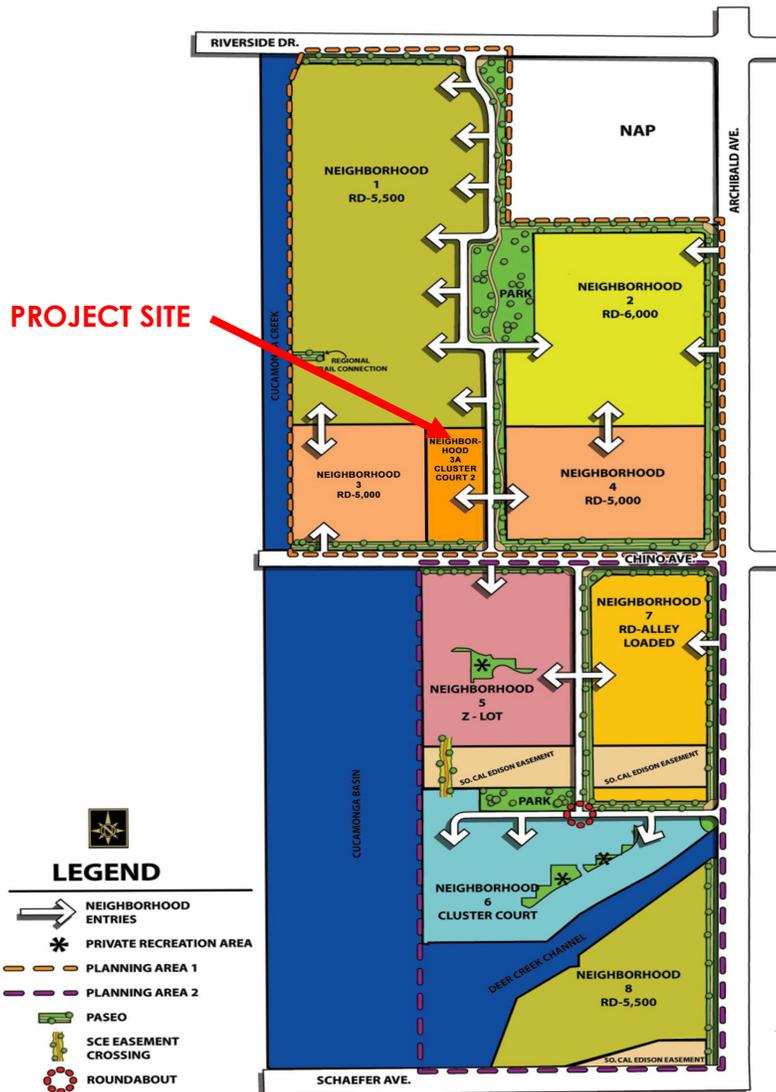
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (SCH No. 2004071001) was adopted by the City Council on April 18, 2006. This Application introduces no new significant environmental impacts.

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

Exhibit A—COUNTRYSIDE SPECIFIC PLAN LAND USE PLAN

Section 3. LAND USE



Note: Roundabout location and dimensions to be determined as part of tentative tract map approval.

Exhibit 10
Land Use Plan

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVE FILE NO. PDA21-003, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CHINO AVENUE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20281 (FILE NO. PMTT19-008), A 4.79 ACRE PROPERTY LOCATED AT 9510 EAST CHINO AVENUE, WITHIN THE NEIGHBORHOOD 3A LAND USE DISTRICT OF THE COUNTRYSIDE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF— APN: 0218-111-56.

WHEREAS, Chino Avenue, LLC. ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA21-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.79 acres of land generally located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan; and

WHEREAS, the Applicant amended the Countryside Specific Plan (File No. PSPA19-001) to allow for (1) the introduction of Neighborhood 3A; (2) an increase in allowable dwelling units from 819 to 825; and (3) use of the Cluster Court product within Neighborhood 3A; and

WHEREAS, the Applicant has submitted a Tentative Tract Map 20281 (File No. PMTT19-008) to subdivide approximately 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with a Development Plan (File No. PDEV19-023) to construct 37 dwelling units and an associated recreation facility; and

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

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

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

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

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

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

WHEREAS, on October 26, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the recommending authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which a Certified EIR was adopted by the City Council on April 18, 2006; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (37) and density (5-9 du/ac) specified in the Available Land Inventory.

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

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

a. The Development Agreement applies to approximately 4.79 acres of land located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan; and

b. The Development Agreement establishes parameters for the development of the Neighborhood 3A land use district of the Countryside Specific Plan. The Development Agreement also grants the Applicant, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Countryside Specific Plan; and

c. The Development Agreement grants the Owner a vested right to develop Tentative Tract Map 20281 (File No. PMTT19-008) as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map 20281 is located at 9510 East Chino Avenue and proposes to subdivide 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with the Development Plan (File No. PDEV19-023) to construct 37 dwelling units and an associated recreation facility; and

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (SCH No. 2004071001) was adopted by the City Council on April 18, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application,

subject to each and every condition set forth in the Development Agreement attached hereto as "Attachment A," and incorporated herein by this reference.

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

SECTION 8: *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 9: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA21-003

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario
a California municipal corporation**

and

**Chino Avenue, LLC
a California limited liability company**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

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

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

FILE NO. PDA21-003

DEVELOPMENT AGREEMENT

By and Between

**City of Ontario
a California municipal corporation**

and

**Chino Avenue, LLC
a California limited liability company**

_____, 2021

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA21-003

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2021 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Chino Avenue, LLC., a California limited liability company (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Countryside Specific Plan (State Clearinghouse No. 2004071001 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

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

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary

improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the “New Model Colony” area and the New Model Colony area has now been renamed as “Ontario Ranch.”

WHEREAS, the property developer/owners are made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit “G”). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658.

COVENANTS

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

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and “Construction Agreement Amendment” means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
- (e) zoning;
- (f) grading and building permits.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government

Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.8 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 “Effective Date” means the date that the ordinance approving this Agreement goes into effect.

1.1.10 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit “C” and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date.

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010, as amended up to the date of the first reading of the ordinance adopting and approving this Agreement.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract No. 20281 as further described in Exhibit “E” and depicted in Exhibit “F” (the “Infrastructure Improvements Exhibit”).

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;

- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.15 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 "Model Units" means a maximum of five (5) model units, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy until after the issuance of the first certificate of occupancy for a Production Unit.

1.1.17 "Net MDD" means the maximum daily demand potable water supply, net of the requirements for public schools and parks, made available through the construction of water supply, storage and transmission facilities included in the Improvements and described in the Water Phasing Plan of the Construction Agreement.

1.1.18 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.19 "Production Unit(s)" means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.

1.1.20 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.21 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.22 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.23 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Countryside Specific Plan."

1.1.24 "Storm Water Treatment Capacity Availability" means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the

issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.

1.1.25 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.26 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.27 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the issuance of each building permit shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as “Water Availability Equivalents by Land Use” for each land use category.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Description of Required Infrastructure Improvements

Exhibit “F” — Depiction of Required Infrastructure Improvements Exhibit(s)

Exhibit “G” - Form of Plume Disclosure Letter

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) In non-mixed use and residential use only projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and

(c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit G) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the

benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be

released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in “bulk”) sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign its obligations and rights under this Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such complete and executed partial assignment and assumption of this Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of this Agreement. Within thirty (30) days following such complete submittal, CITY shall review, and if the above conditions are satisfied, may approve the partial assignment and release and notify the purchaser, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Agreement that are retained by OWNER and excluded from the transfer or assignment.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term “successor in interest” shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.5.1 Amendment to Reflect Consistency With Future Amendments to the Construction Agreement. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the

same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

2.6 Minor Modification. Upon the written application of OWNER, minor modifications and changes to the Development Plan including modifications to building design or footprint (not affecting minimum setbacks), parking layout and design, and landscape area design may be approved by the Director of the Planning Department without the need to amend this Development Agreement. Other changes in the Development Plan shall be processed pursuant to the City Zoning Ordinance. It is also contemplated by CITY and OWNER that OWNER may, from time to time, seek amendments to one or more of the Development Approvals. Any such amendments are contemplated by CITY and OWNER as being within the scope of this Agreement as long as they are consistent with the Land Use Regulations and shall, upon approval by CITY, continue to constitute the Development Approvals as referenced herein. The parties agree that any such modifications or amendments shall not constitute an amendment to this Agreement nor require an amendment to this Agreement.

2.7 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.8 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario, CA 91764

If to OWNER:

Phillip LoSasso, Member
CHINO AVENUE, LLC.
12223 Highland Avenue #106-553
Rancho Cucamonga, CA 91739
philliplosasso@yahoo.com

with a copy to:

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

with a copy to :

Kenneth B. Bley
Cox, Castle & Nicholson LLP
2029 Century Park East Suite 2100
Los Angeles, CA 90067
kbley@coxcastle.com

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

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Ca1. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.3.1 Infrastructure Improvement Exhibit. Attached hereto as Exhibits "E" and "F" are a description and depiction, respectively, of the Improvements needed for the development of the Property. In the event of any discrepancy between Exhibit E and Exhibit F, Exhibit F shall control.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "F" is a description of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of five (5) Model Units, private common recreation facilities and sales facilities. CITY may issue a maximum of five (5) building permits for Model Units, private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other

infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and other facilities.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
 - (b) Increase the density or intensity of use of the Property as a whole;
- or,
- (c) Increase the maximum height and size of permitted buildings; or,
 - (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
 - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.6.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police

power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 OWNER agrees that development of the Project shall require the construction of storm drain improvements as described in Exhibit E and depicted in Exhibit F. OWNER shall be responsible for the construction of the necessary extension of storm drain facilities. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the storm drain improvements, as described in Exhibit E and depicted in Exhibit F.

3.7.2 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the street improvements, as described in Exhibit E and depicted in Exhibit F.

3.7.3 OWNER agrees that development of the Property shall require the extension of permanent water and recycled water improvements as described in Exhibit E and depicted in Exhibit F to serve the Property. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and recycled water improvements as described in Exhibit E and depicted in Exhibit F. OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

3.7.4 OWNER agrees that development of the Property shall require the construction of sewer improvements as described in Exhibit E and depicted in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the sewer improvements, as described in Exhibit E and depicted in Exhibit F.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent fiber optic communications infrastructure, as described in the attached Exhibit E and depicted in Exhibit F. OWNER agrees that no building

permits shall be issued by CITY for Production Units prior to completion of the fiber optic communication improvements, as described in Exhibit E and depicted in Exhibit F.

3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER (“Offsite Improvements”), the CITY and OWNER shall cooperate in acquiring the necessary legal interest (“Offsite Property”) in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) (“Non-Construction Agreement Offsite Property”). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER’S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.8.2 Owner’s Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings.

CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date of this Agreement.; The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. Such areas shall either be dedicated to the City or transferred to a homeowners' association. If approved by the City Manager, OWNER may satisfy this requirement through the development of non-public recreation facilities such as private recreational clubhouses or pool facilities. Credit for such private recreational facilities areas shall be limited to a maximum of 50% of the foregoing park development requirement. If OWNER's Project does not provide dedicated and developed park acreage equal to two (2) acres per 1,000 projected population, OWNER shall pay a fee in-lieu equal to the per acre estimated costs of acquisition and development of parkland in the City's Development Impact Fee for the calculated park acreage deficiency. Such in-lieu fee shall be due and payable prior to the issuance of the first building permit issued to OWNER for Production Units. Any park dedication and/or improvements in excess of such two (2) acres per thousand standard, provided such park has been developed in accordance with the City's park standards and is open to the public generally, shall entitle OWNER to a credit toward its obligations under the Quimby Act (Gov. Code, § 64477) and the City's implementing ordinance and/or resolution (collectively "**Quimby Act Obligations**"), and to the extent OWNER's Quimby Act Obligations are satisfied, OWNER shall be entitled to have the City acquire such developed and publicly available parks as Non-Program Interests in accordance with Section 4.3.3 below.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the Subdivision Agreement/Tract Map conditions, all other required Improvements for each Tract Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for production units for each such Tract Map. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract No. 20281.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC to offset OWNER's DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.3.2.1 through 4.3.2.1. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. “**Households**” shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER’s option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER’s Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER’s Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER’s Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. “**Substantial rehabilitation**” shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date of this Agreement. If OWNER chooses the option of rehabilitation of existing

housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.4.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an "**Affordability In-Lieu Fee**". If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars Eighty Five Cents (\$2.85) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars Fifty Cents (\$2.50) per square foot of residential development within OWNER's Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER's Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER's election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Eighty-Five Cents (\$2.85) and the Two Dollars Fifty Cents (\$2.50) per square foot amounts shall automatically be increased annually, commencing on July 1, 2022, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA), (December 2017=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, "**Maximum Development Density**" shall be determined by multiplying the

OWNER's Project's density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER's Project. All "Affordability In-Lieu Fees" collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement. Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by a combination of the following: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school

obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "**Public Services Funding Fee.**" The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of Two Thousand One Hundred Twelve dollars (\$2,112.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of the Development Agreement or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the Effective Date of this Agreement.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on "B Maps" if approved) by January 1, 2022, the amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) on each January 1 thereafter.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be One Thousand Fifty-Six dollars (\$1,056) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA) (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2022. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Sixty Four Cents (\$.64) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Riverside - San Bernardino - Ontario, CA), (December 2017=100) over the preceding year on January 1st of each year, beginning on January 1, 2022. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by City. The provisions of the Construction Agreement Amendment requires that the City shall not approval a final tract map or issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

4.7.2 Use of Assigned Net MDD Water Availability. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, the City's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for City's approval of a tract map shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction

Agreement Amendment as “Water Demand Equivalents by Land Use” for each land use category.

4.7.3 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER’s Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.7.4 Effectiveness of Agreement. Notwithstanding anything set forth in this Agreement, CITY and OWNER each acknowledge, confirm, and agree that (i) the CITY approval of this Agreement and (ii) the effectiveness of this Agreement, in each case, are conditioned upon OWNER’s admission to NMC Builders as a “Member” thereof pursuant to the terms and conditions of the operating agreement of NMC Builders within 30 days following the Effective Date of this Agreement.

4.8 Storm Water Capacity Availability.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.6 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the Net Residential Acreage of the area to be graded regardless of the corresponding use.

4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.

4.9 Maintenance of Open Space. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners’ association as approved by the CITY. Covenants, conditions and restrictions establishing any homeowners’ association shall be approved by the Planning Director and City Attorney.

4.11 Compliance with Public Benefits Requirements.

4.11.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or

challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Tract Map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,560.77 per Single Family Detached Dwelling Unit, \$1,352.65 per Multiple-Family Dwelling Unit, \$1,134.14 per Gated Apartment Community Dwelling Unit, and \$.29 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may

be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Recommendation of the Planning staff;
- (2) Affirmative vote of at least four (4) members of the Planning Commission; or
- (3) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the

period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and

(c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review

and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in

reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial

determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one

owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT NO. PDA21-003**

"OWNER"

CHINO AVENUE, LLC a California limited liability company

By: Alta Loma Enterprises LLC,
a California limited liability company

By: _____
Jesus Cardenas Jr., Manager of Alta Loma Enterprises LLC as Managing Member of Chino Avenue LLC
Date: _____

By: _____
Jose Cardenas, Manager of Alta Loma Enterprises LLC as Managing Member of Chino Avenue LLC
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

**APPROVED AS TO FORM:
BEST BEST & KRIEGER, LLP**

ATTEST:

City Attorney

City Clerk, Ontario

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____, who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ ,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real property in the City of Ontario, County of San Bernardino, State of California, described as follows:

PARCEL A:

PARCEL 1 OF PARCEL MAP 5923, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 61, PAGES 71 AND 72 OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL B:

AN UNDIVIDED 20 PERCENT INTEREST IN A WELL SITE OF UNDETERMINED SIZE THE POINT IS SHOWING AS BEING 45 FEET EAST OF THE WEST LINE AND 223 FEET NORTH OF THE SOUTH LINE OF PARCEL 2 OF PARCEL MAP NO. 5923, AS SHOWN BY MAP ON FILE IN BOOK 61, PAGES 71 AND 72 OF PARCEL MAPS, RECORDS OF SAN BERNADINO COUNTY, CALIFORNIA.

APN: 0218-111-56-0-000

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location

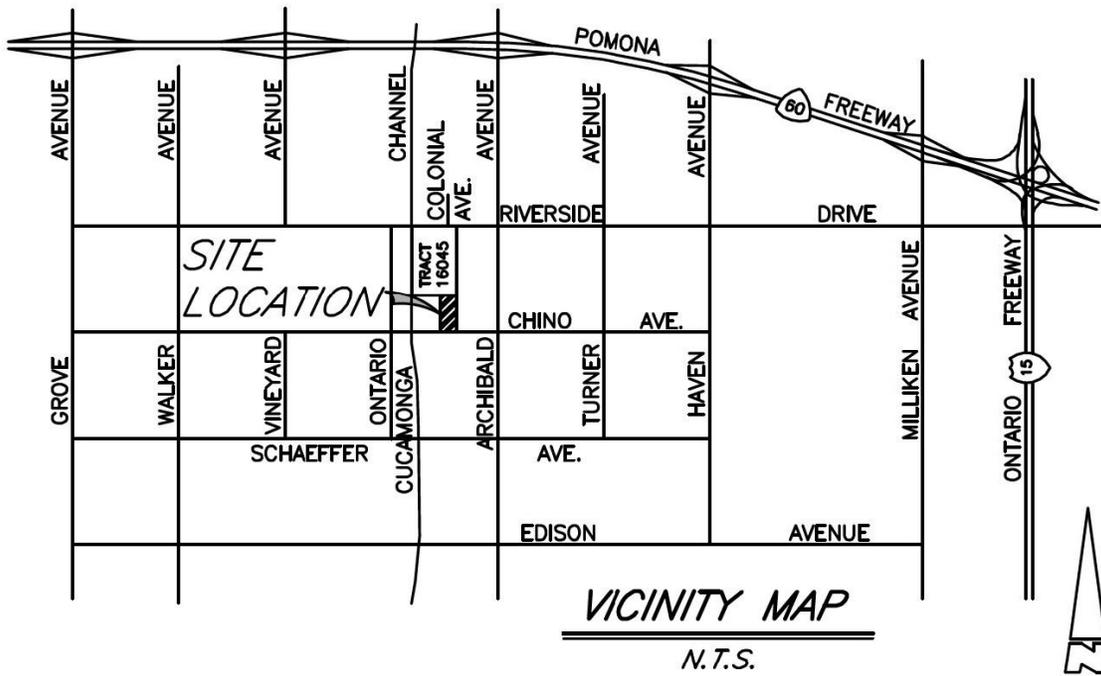


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On March 28, 2006, the Planning Commission:

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

On April 18, 2006, the City Council:

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

On April 25, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-031, recommending the City Council approval of an amendment (File No. PSPA06-003) to the Countryside Specific Plan.

On May 2, 2006, the City Council:

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

On June 20, 2006 the City Council:

- a) Issued Ordinance No. 2830 approving an amendment to the Countryside Specific Plan (File No. PSPA06-063).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. Countryside Specific Plan (File No. PSP04-001), Ordinance No. 2828
2. Countryside Specific Plan Environmental Impact Report (SCH# 2004071001)
3. Countryside Specific Plan (File No. PSPA06-063), Ordinance No. 2830
4. Countryside Specific Plan Amendment (File No. PSPA19-001)
5. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

EXHIBIT "E"
TO DEVELOPMENT AGREEMENT

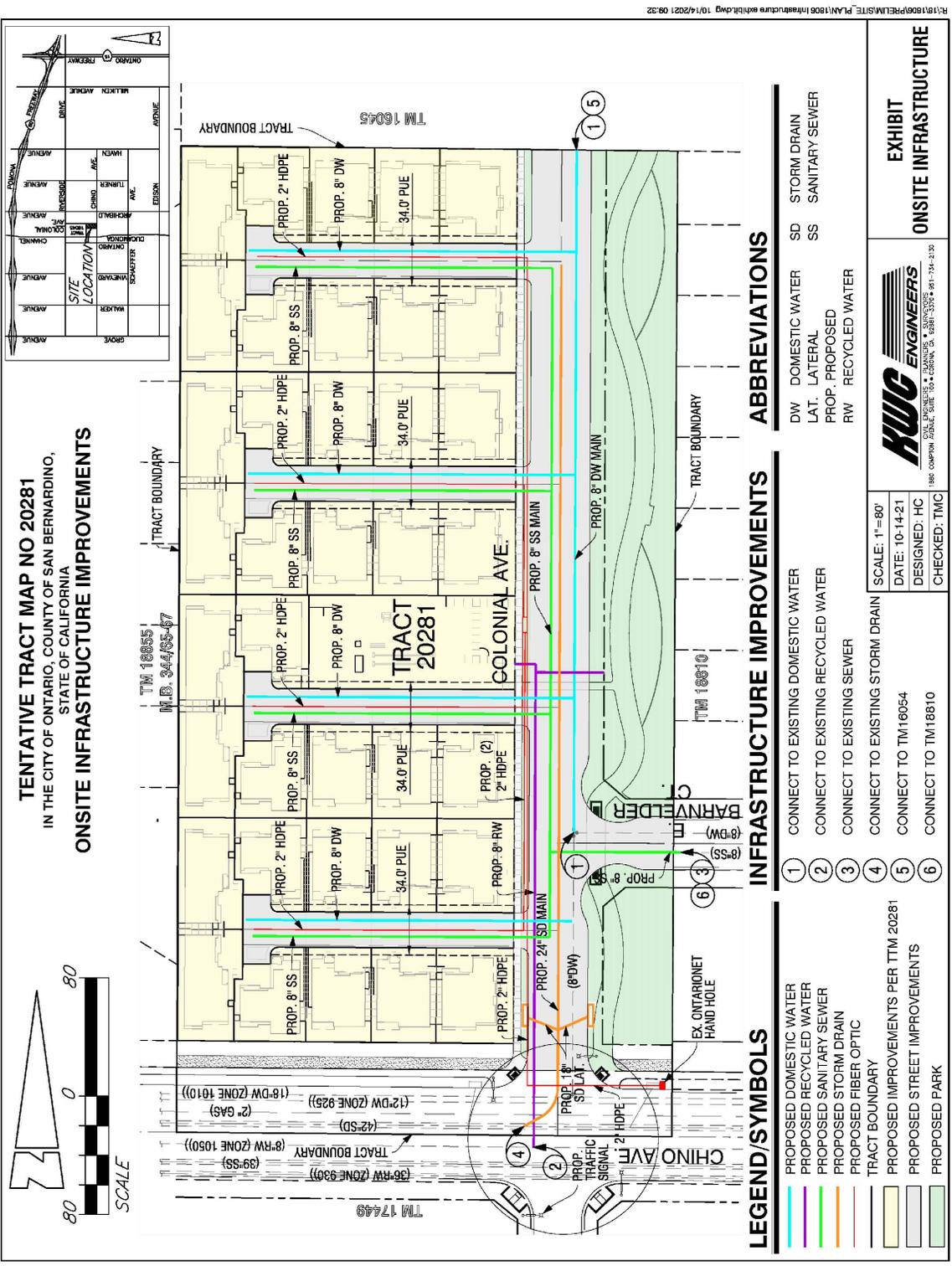
Description of Required Improvements

OWNER shall design, construct, and complete all improvements including but not limited to sewer, water, recycled water, storm drain, fiber, and street improvements necessary to serve the Property, prior to the request of any Production Units.

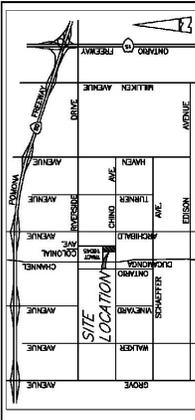
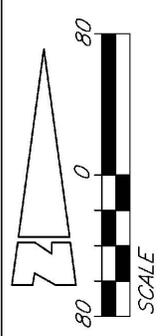
EXHIBIT "F"
TO DEVELOPMENT AGREEMENT

Depiction of Required Improvements

(SEE ATTACHMENT)



TENTATIVE TRACT MAP NO 20281
 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO,
 STATE OF CALIFORNIA
ONSITE INFRASTRUCTURE IMPROVEMENTS



LEGEND/SYMBOLS

- PROPOSED DOMESTIC WATER
- PROPOSED RECYCLED WATER
- PROPOSED SANITARY SEWER
- PROPOSED STORM DRAIN
- PROPOSED FIBER OPTIC
- TRACT BOUNDARY
- PROPOSED IMPROVEMENTS PER TTM 20281
- PROPOSED STREET IMPROVEMENTS
- PROPOSED PARK

INFRASTRUCTURE IMPROVEMENTS

- 1 CONNECT TO EXISTING DOMESTIC WATER
- 2 CONNECT TO EXISTING RECYCLED WATER
- 3 CONNECT TO EXISTING SEWER
- 4 CONNECT TO EXISTING STORM DRAIN
- 5 CONNECT TO TTM16054
- 6 CONNECT TO TTM18810

ABBREVIATIONS

DW	DOMESTIC WATER	SD	STORM DRAIN
LAT.	LATERAL	SS	SANITARY SEWER
PROP.	PROPOSED		
RW	RECYCLED WATER		

SCALE: 1"=80'
 DATE: 10-14-21
 DESIGNED: HC
 CHECKED: TMC

EXHIBIT
ONSITE INFRASTRUCTURE



HWC ENGINEERS
 180 COMPTON AVENUE, SUITE 100 • GARDENA, CA 90247-3306 • 909-734-2100

**EXHIBIT "G"
TO DEVELOPMENT AGREEMENT**

Form of Plume Disclosure Letter



PAUL S. LEON
MAYOR
DEBRA DORST-PORADA
MAYOR PRO TEM
ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 2017

AL C. BOLING
CITY MANAGER
SHEILA MAUTZ
CITY CLERK
JAMES R. MILHIGER
TREASURER
SCOTT BURTON
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

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

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

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

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

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

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

FILE NOS: PMTT19-008 and PDEV19-023

SUBJECT: A Tentative Tract Map (No. 20281) to subdivide 4.79 acres of land into 37 numbered lots and one common lettered lot in conjunction with a Development Plan to construct 37 dwelling units and an associated recreation facility on property located at 9510 East Chino Avenue, within the Neighborhood 3A land use district of the Countryside Specific Plan; (APN: 0218-111-56) **submitted by Chino Avenue, LLC.**

PROPERTY OWNER: Chino Avenue, LLC

RECOMMENDED ACTION: That the Planning Commission consider and approve File Nos. PMTT19-008 and PDEV19-023, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 4.79 acres of vacant land located at 9510 East Chino Avenue, which was previously used for miscellaneous equipment storage for a local business, within the Neighborhood 3A land use district of the Countryside Specific Plan, and is depicted in Figure 1: Project Location, below. The project site and its surroundings are located in the Low Density (2.1-5 du/ac) land use district of The Ontario Plan ("TOP") Policy Plan (General Plan), and within the Countryside Specific Plan. The property to the north, east, and west are developed with single-family residential dwellings, and are located in Neighborhoods, 1, 4, and 3, respectively. The property to the south is currently vacant and is located within Neighborhood 5. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — The Countryside Specific Plan (File No. PSP04-001) was approved, and the related Environmental Impact Report ("EIR"; State Clearinghouse No. 2004071001) was certified by the City Council on



Figure 1: Project Location

Case Planner:	Alexis Vaughn
Planning Director Approval:	
Submittal Date:	April 10, 2019

Hearing Body	Date	Decision	Action
DAB	10/18/21	Approval	Recommend
PC	10/26/21		Final
CC			

April 18, 2006, the Countryside Specific Plan established the land use designations, development standards, and design guidelines on 178 gross acres of land, which included the potential development of 819 dwelling units and approximately 9.4 acres of paseos and parks throughout the Specific Plan area.

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

On April 10, 2019, the Applicant submitted a Development Plan (File No. PDEV19-023), Tentative Tract Map No. 20281 (File No. PMTT19-008), and Minor Specific Plan Amendment (File No. PSPA19-001) to facilitate the construction of 37 single-family dwellings.

On October 14, 2021, the Planning Director approved the Minor Specific Plan Amendment request to establish development standards and regulations for the proposed Neighborhood 3A and accommodate other necessary text and exhibit updates to the Countryside Specific Plan.

On October 18, 2021, the Development Advisory Board reviewed the subject Development Plan and Tentative Tract Map applications and voted to recommend approval to the Planning Commission.

(2) Tentative Tract Map No. 20281 (File No. PMTT19-008) — The Applicant is proposing to subdivide the 4.79-acre Project site into 37 numbered lots and one common lettered lot (see Exhibit B—Site Plan and Exhibit C—Tract Map, both attached). The Tract Map will establish lots ranging in size from 2,735 to 3,368 square feet, with an average lot width of 44 feet and average lot depth of 75 feet, consistent with the minimum development standards established for Cluster Court 2 product type.

(3) Development Plan (File No. PDEV19-023)

(a) **Site Design/Building Layout:** The Applicant is proposing to construct 37 single-family dwellings and associated recreational facility (see Exhibit B—Site Plan, attached). The dwellings will be sited in ten-unit clusters and common use easements will be established along the side yards to accommodate trashcan storage and AC condenser units. Dwellings located along Colonial Avenue will face the street, while dwellings interior to the cluster will be provided with front entryways along the drive aisle. A recreational facility will be centrally located within the Project site, and the easterly stretch of the Project will continue the meandering paseo extending from the tract to the north, down to Chino Avenue.

(b) **Site Access/Circulation:** Access to the site will be provided from one primary entrance along Chino Avenue. The project will facilitate the construction of all interior tract streets and drive aisles, including the extension of Colonial Avenue from the existing residential development to the north down to Chino Avenue. Pedestrian connectivity will be provided by sidewalks and a meandering paseo along Colonial Avenue. The project is required to complete the remaining street improvements along the project's Chino Avenue frontage, which includes the neighborhood edge.

(c) **Parking:** The Countryside Specific Plan and Ontario Development Code require a two-car, enclosed garage for single-family residential units. The Project has provided a two-car garage for each unit, in addition to a two-car driveway, two in-tract parking spaces at the recreation facility, and 22 on-street parking spaces. As demonstrated in Table 1, below, the Project is required to provide a total of 74 parking spaces that are within an enclosed garage. The Project proposes a total of 172 parking spaces (garage, driveway, recreation facility, and on-street parking), resulting in 4.65 parking spaces per unit.

Table 1: Summary of Parking Analysis							
Product	Number of Units	Required 2-Car Garage Spaces	Garage Spaces Provided	2-Car Driveway Spaces	On-Street and Rec Parking	Total Provided	+/- Parking
Single-Family Cluster	37	74	74	74	24	172	+98
Per Unit Average						4.65 spaces per unit	

(d) **Architecture:** The architectural styles proposed consist of Bungalow, Cottage, Spanish, and Farmhouse (see Exhibit D for architectural renderings and Attachment A – Architectural Elevations and Floor Plans Package for the architectural elevations and floor plans). Architectural elements incorporated into the Project consist of:

- A combination of roof pitches and styles, including hipped, gabled, and shed roofs;
- Stucco walls with popped-out panels;
- Wood siding, stone veneer, and tilework;
- Front porches;
- Decorative bracing and corbels; and
- Enhancement for side and rear elevations where visible from public rights-of-way.

The applicant has also expressed interest in providing architectural enhancements above and beyond City requirements for side and rear elevations not predominantly visible from public rights-of-way.

The project proposes four distinct two-story floor plans. All floor plans include a two-car garage, kitchen, laundry nook, and a great room/living room area. Unit sizes and key features are described in Table 2: Floor Plan Summary, below.

Table 2: Floor Plan Summary		
Plan Type	Floor Area	Key Features
A	2,503 SF	Four bedrooms, three bathrooms, one den/optional fifth bedroom
B	2,259 SF	Three bedrooms, 2.5 bathrooms, one den/optional fourth bedroom
C	2,317 SF	Four bedrooms, 2.5 bathrooms
D	2,669 SF	Four bedrooms, 2.5 bathrooms, one den/optional fourth bedroom

(e) **Landscaping and Recreation Facilities:** The Countryside Specific Plan and Ontario Development Code require that all areas not used for buildings or hardscape shall be fully landscaped. The Project provides fully landscaped front yards, park, parkways, and an approximate 50-foot-wide paseo along the eastern edge of the Project site. Landscape areas will utilize an assortment of decorative and shade trees, shrubs, groundcovers, turf, and other plantings. Plantings include, but are not limited to, Cork Oak, Water Gum, Strawberry Tree, Western Redbud, Bottlebrush Tree, California Pepper Tree, sage, rosemary, deer grass, and more. Tree box sizes range from 24 to 48 inches.

The interior street, Colonial Avenue, will feature a ten-foot-wide landscaped parkway (five-foot sidewalk and five-foot planter). The frontage along Chino Avenue includes a 30-foot-wide landscaped neighborhood edge that includes a seven-foot-wide parkway, five-foot-wide sidewalk, eight-foot-wide decomposed granite trail, and ten-foot-wide landscape planter.

The Project features a 0.2-acre park that is centrally located within the community and accessed via Colonial Avenue (see Exhibit E - Landscape Plan, attached). The park will include a small lawn and play area, as well as a pool, spa, and cabana area. The Project also features a 0.48-acre community paseo with open space and a trail, that will provide connectivity from Chino Avenue to the tract to the north of the Project site.

TOP Policy Plan (Policy PR1-6) requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 0.28-acre park to meet the minimum Policy Plan private park requirement. The related Tract Map No. 21281 proposes to provide 0.2-acre recreational facility, alongside the 0.48-acre community paseo, which satisfies the Project's minimum park requirements.

(f) **Signage:** The Project will be required to provide monument signage, as outlined in the Countryside Specific Plan. All site signage will be reviewed and approved through the Sign Permit application process.

(g) **Utilities (drainage, sewer):** All major backbone improvements and interior site improvements will be constructed in congruence with the related Tract Map. The Applicant will also obtain an encroachment permit to conduct work within the public rights-of-way. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration.

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan).

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-3 Adequate Capacity. We required adequate infrastructure and services for all development.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-1 Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.
 - LU2-6 Infrastructure Community: We require infrastructure to be aesthetically pleasing and in context with the community character.
 - LU2-9 Methane Gas Sites: We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.
- Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - LU3-3 Land Use Flexibility: We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

➤ H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

➤ H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

▪ Goal H3:

➤ H3-2 Flexible Standards. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.

➤ H3-3 Development Review. We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.

▪ Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

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

➤ CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

▪ Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

➤ CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➤ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➤ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➤ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
 - CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
 - CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
 - CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
 - CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
 - CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
 - CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (37 for the project site, 819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element) specified in the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for

Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was adopted by the City Council on April 18, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 3A (Cluster Court 2) --
North	Single-family dwellings	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 1 (RD-5,500)
South	Vacant	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 5 (Z-lot)
East	Single-family dwellings	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 4 (RD 5,000)
West	Single-family dwellings	Low Density (2.1-5 du/ac)	Countryside Specific Plan	Neighborhood 3 (RD-5,000)

General Site & Building Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Project area (in acres):</i>	N/A	4.79 acres	N/A
<i>Maximum project density (dwelling units/ac):</i>	11.71 (net)	11.71 (net)	Y
<i>Maximum coverage:</i>	10 du/cluster	7-10 du/cluster	Y
<i>Minimum lot size (in SF):</i>	2,000	2,735 to 3,368	Y
<i>Minimum lot depth (in FT):</i>	N/A	75	N/A
<i>Minimum lot width (in FT):</i>	44	44	Y
<i>Front yard setback (in FT):</i>	10 at street, 30 front to front at drive aisle	10-12 at street, 34-42 front to front at drive aisle	Y
<i>Side yard setback (in FT):</i>	4	4	Y
<i>Rear yard setback (in FT):</i>	10 (5 FT subject to Planning Director Approval)	5-10	Y
<i>Maximum height (in FT):</i>	35	25-32	Y
<i>Parking – resident:</i>	74	172	Y

Dwelling Unit Statistics:

<i>Unit Type</i>	<i>Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in SF)</i>
A	2,503 SF	4 (one den/optional 5 th)	3	2	408
B	2,259 SF	3 (one den/optional 4 th)	2.5	2	495
C	2,317 SF	4	2.5	2	320
D	2,669 SF	4 (one den/optional 5 th)	2.5	2	455

Exhibit A—PROJECT LOCATION MAP



Exhibit C—TENTATIVE TRACT MAP NO. 20281

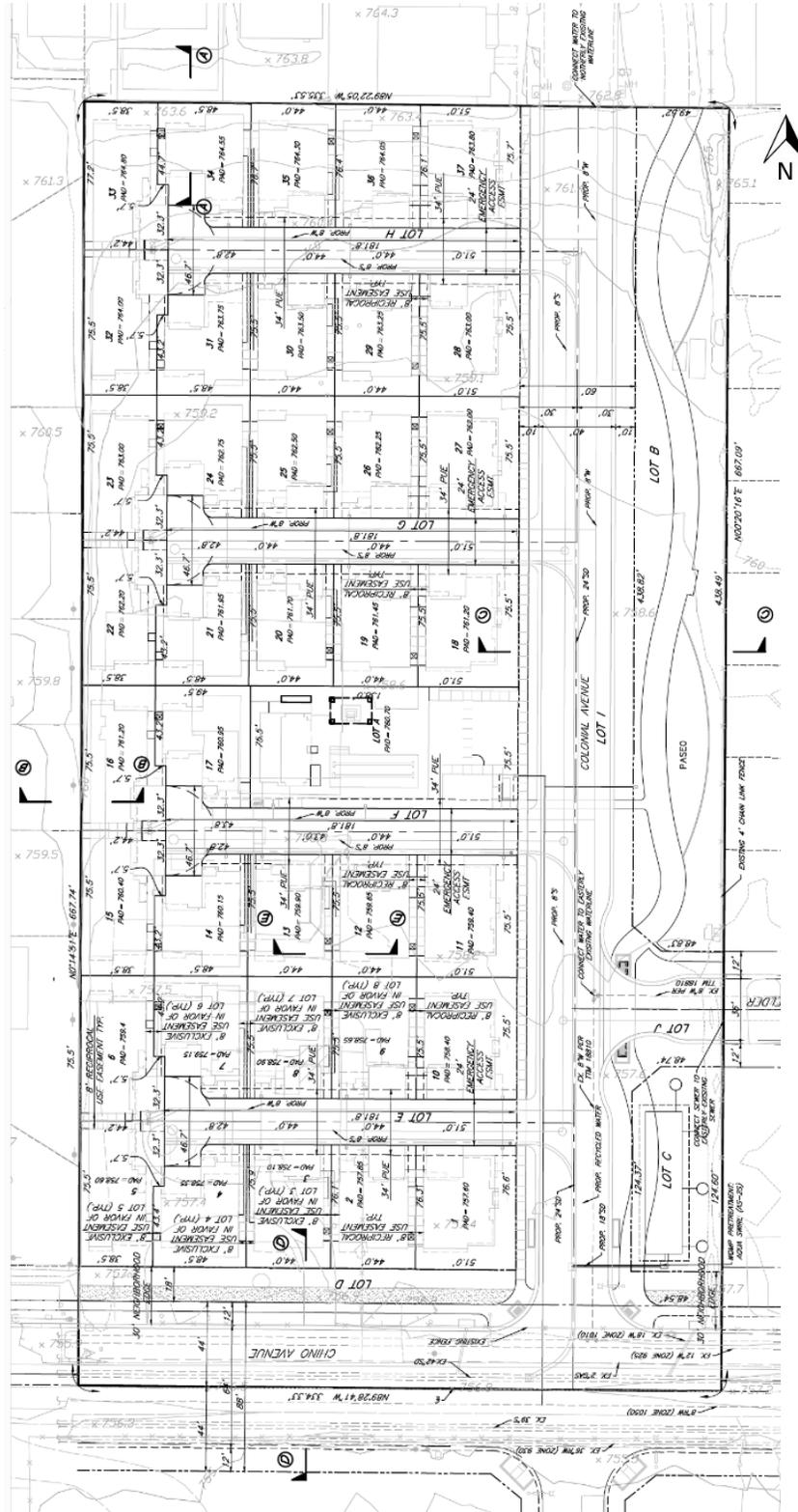


Exhibit D—ARCHITECTURAL RENDERINGS



Bungalow Plan C-1



Bungalow Plan A-1



Cottage Plan B-II



Cottage Plan A-II



Farmhouse Plan A-I



Farmhouse Plan B-I



Spanish Plan B-III



Spanish Plan D-III



Bungalow Plan B-I



Cottage Plan C-II



Farmhouse Plan D-IV



Spanish Plan A-II

Aerial Street View Rendering



Exhibit E—LANDSCAPE PLAN



Attachment A:

Architectural Elevations and Floor Plan Package

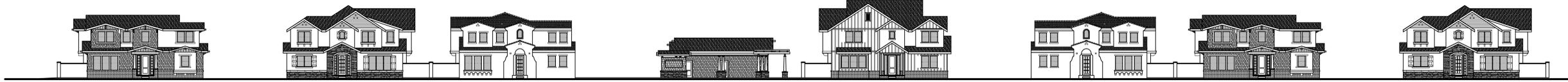
(Attachment to follow this page)

37-UNIT RESIDENTIAL CLUSTER DEVELOPMENT CITY OF ONTARIO, CA ARCHITECTURAL DRAWING SET

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



COLONIAL AVENUE ELEVATIONS

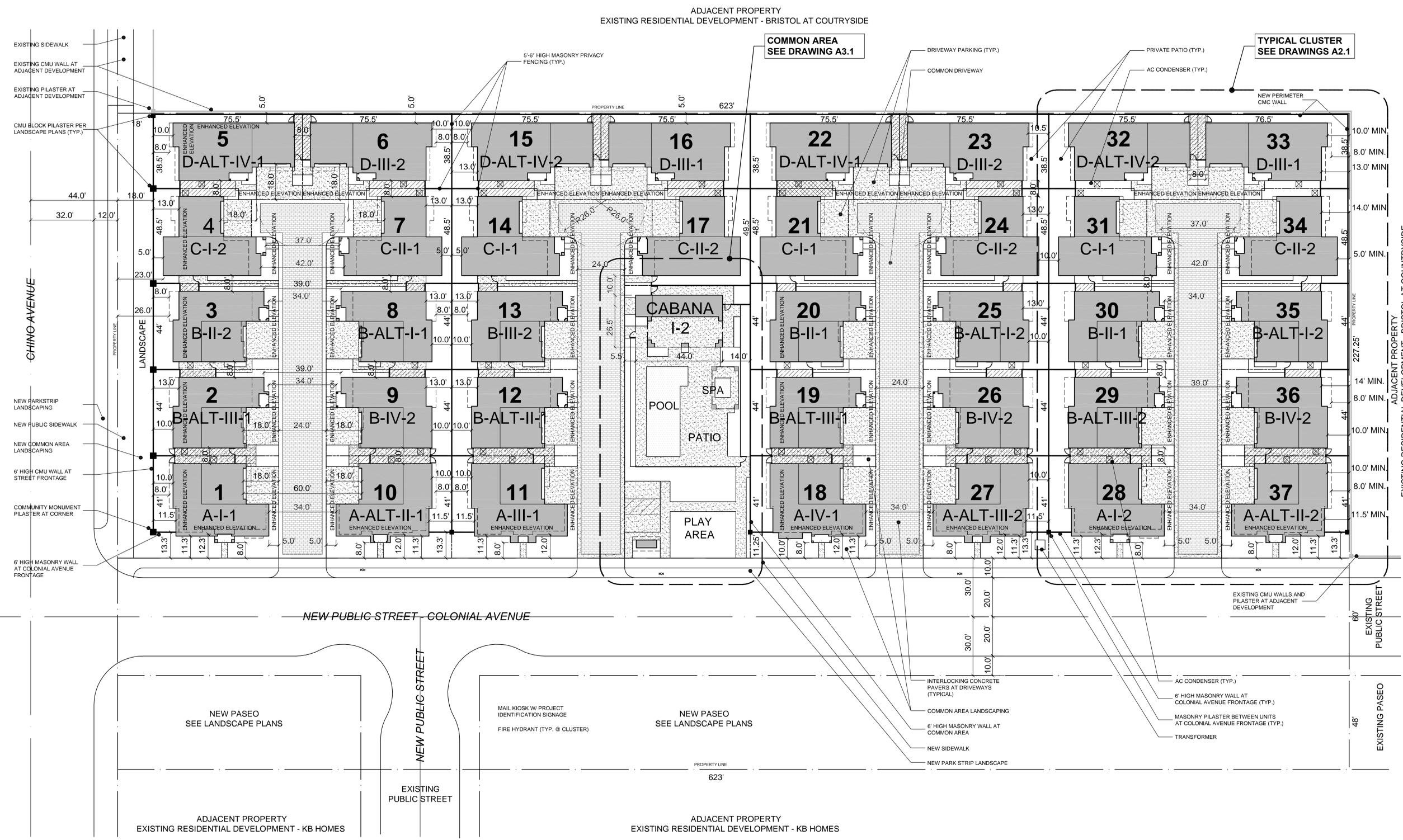
PROJECT DESCRIPTION	UNIT DESCRIPTION	DRAWING LIST																																																																																																						
<p>EXTENSION OF COLONIAL AVENUE.</p> <p>EXTENSION OF PASEO PARK.</p> <p>NEW 37 RESIDENTIAL UNITS, 2-STORY DETACHED CONDOMINIUMS WITH ATTACHED 2-CAR GARAGE AND PRIVATE PATIO.</p> <p>NEW COMMON POOL, SPA AND PLAY AREA WITH CABANA.</p> <p>TYPE OF CONSTRUCTION: V-B, FIRE-SPRINKLERED.</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">UNIT TYPE A</th> <th style="width: 25%;">UNIT TYPE B</th> <th style="width: 25%;">UNIT TYPE C</th> <th style="width: 25%;">UNIT TYPE D</th> </tr> </thead> <tbody> <tr> <td>PLAN A: 5 BDRM., 3 BATH PLAN A-ALT: 4 BDRM. W/DEN, 3 BATH NO. UNITS</td> <td>PLAN B: 4 BDRM., 2.5 BATH PLAN B-ALT: 3 BDRM. W/DEN, 2.5 BATH NO. UNITS</td> <td>PLAN C: 4 BDRM, 2.5 BATH NO. UNITS</td> <td>PLAN D: 5 BDRM., 2.5 BATH PLAN D-ALT: 4 BDRM. W/DEN, 2.5 BATH NO. 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<p>PROJECT DATA</p> <p>ADDRESS 9510 CHINO AVENUE</p> <p>OWNER CHINO AVENUE, LLC</p> <p>LAND AREA NEW PASEO: .59 ACRES NEW PUBLIC STREETS: 1.04 ACRES RESIDENTIAL DEVELOPMENT: 3.16 ACRES TOTAL LAND AREA: 4.79 ACRES</p> <p>RESIDENTIAL UNITS NUMBER OF UNITS: 37 NUMBER OF STORIES: 2 TYPE OF CONSTRUCTION: VB</p>	<p>DEVELOPMENT STANDARDS SEE SPECIFIC PLAN FOR COMPLETE DEVELOPMENT STANDARDS.</p> <p>TYPICAL CLUSTER UNITS</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>TYPE A</td><td style="text-align: right;">2</td></tr> <tr><td>TYPE B</td><td style="text-align: right;">4</td></tr> <tr><td>TYPE C</td><td style="text-align: right;">2</td></tr> <tr><td>TYPE D</td><td style="text-align: right;">2</td></tr> <tr><td>UNITS PER CLUSTER</td><td style="text-align: right;">10</td></tr> </table> <p>SETBACKS</p> <p>FRONT SETBACKS (AT COLONIAL AVENUE)</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>BUILDING LIVING AREA - 1ST STORY</td><td style="text-align: right;">10'</td></tr> <tr><td>PORCH WITH SINGLE STORY PLATE LINE</td><td style="text-align: right;">8'</td></tr> <tr><td>SECOND STORY PLATE LINE</td><td style="text-align: right;">12'</td></tr> </table> <p>SIDE SETBACKS</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>TO PROPERTY LINE</td><td style="text-align: right;">4'</td></tr> <tr><td>BUILDING TO BUILDING</td><td style="text-align: right;">8'</td></tr> <tr><td>GARAGE TO GARAGE (ACROSS DRIVE)</td><td style="text-align: right;">34'</td></tr> <tr><td>BUILDING TO BUILDING (ACROSS DRIVE)</td><td style="text-align: right;">32'</td></tr> <tr><td>PATIO COVER</td><td style="text-align: right;">10'</td></tr> </table> <p>REAR SETBACKS</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>BUILDING TO PROPERTY LINE</td><td style="text-align: right;">10'</td></tr> </table> <p>MAY BE 5' WITH PLANNING DIRECTOR APPROVAL</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>PLAN A</td><td>FIRST STORY</td><td style="text-align: right;">10' MIN.</td></tr> <tr><td></td><td>SECOND STORY</td><td style="text-align: right;">8' MIN. 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ROOFED AREA	43 SF																																																																																																							
MAXIMUM HEIGHT	11'																																																																																																							
<p>CONSULTANTS</p> <p>ARCHITECT TIMOTHY RACISZ 22939 HAWTHORNE BLVD, SUITE 208 TORRANCE, CA 90505 310-325-6607</p> <p>CIVIL ENGINEER KWC ENGINEERS THOMAS CASELDINE 1880 COMPTON AVENUE, SUITE 100 CORONA, CA 92881-3370 951-734-2130</p> <p>STRUCTURAL DESIGN NAMVAR ASSOCIATES MOHAMMAD NAMVAR 231 VISTA DEL MAR, SUITE D REDONDO BEACH, CA 90277</p> <p>LANDSCAPE ARCHITECT 122 WEST DESIGN CHRISTAIN MACKIE 510-992-3122</p>	<p>VICINITY MAP</p>	<p>TITLE PROJECT INFORMATION</p> <p>AUGUST 18, 2021</p> <p>JOB NO.: 18-126</p> <p>SHEET NUMBER T1 SHEET OF</p>																																																																																																						

37 UNIT RESIDENTIAL CLUSTER DEVELOPMENT CITY OF ONTARIO, CA

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



LEGEND

- UNIT NUMBER
- PLAN TYPE
- EXTERIOR STYLE TYPE
- COLOR SCHEME
- PROPOSED LOT LINES
- RECIPROCAL ACCESS EASEMENT FOR SERVICE YARDS AND HVAC ACCESS PURPOSES

PAVING LEGEND

- STANDARD CONCRETE PAVING AT PRIVATE DRIVEWAYS AND WALKWAYS.
- INTERLOCKING CONCRETE PAVERS, ANTIQUE COBBLE, 2 PEICE, COLOR SANDALWOOD FM (TUMBLER FINISH) AS MANUFACTURED BY ACKERSTONE.

SITE PLAN
SCALE: 1"=20'



SITE PLAN

AUGUST 18, 2021

JOB NO.: 18-126

SHEET NUMBER

A-1.1

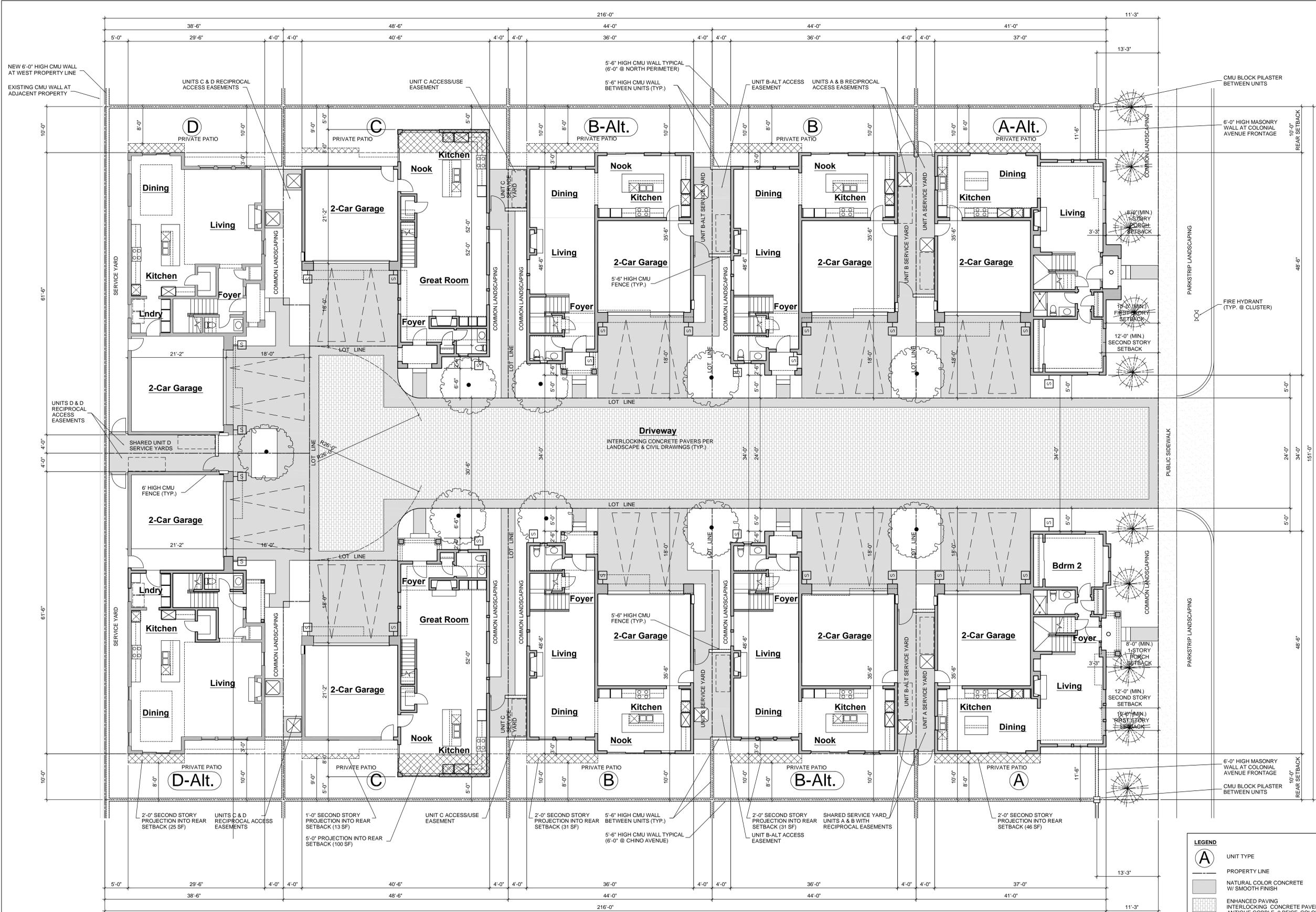
OF

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

Colonial Avenue



- LEGEND**
- (A) UNIT TYPE
 - PROPERTY LINE
 - NATURAL COLOR CONCRETE W/ SMOOTH FINISH
 - ENHANCED PAVING INTERLOCKING CONCRETE PAVERS, ANTIQUE COBBLE, 2" PEICE, COLOR SANDALWOOD FM, TUMBLED FINISH, AS MANUFACTURED BY ACKERSTONE.
 - ▨ PROJECTION INTO REAR SETBACK
 - ⊠ AC CONDENSING UNIT ON CONCRETE PAD
 - ⊞ TRASH, GREEN WASTE & RECYCLE BIN STORAGE AREA (36" X 36" MINIMUM)
 - 5'-6" OR 6'-0" HIGH SPLIT FACE CMU PRIVACY WALL (SEE LANDSCAPE PLANS FOR DETAILS)
 - ⊞ WALL MOUNTED LIGHT FIXTURE ON HOA CONTROLLED TIMER
 - CEILING MOUNTED LIGHT FIXTURE ON HOA CONTROLLED TIMER

TYPICAL CLUSTER - LOWER FLOOR PLAN
 SCALE: 1/8"=1'-0"

TYPICAL CLUSTER LOWER FLOOR PLAN

AUGUST 18, 2021

JOB NO.: 18-126

A-2.1
 SHEET OF

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



TYPICAL CLUSTER - UPPER FLOOR PLAN
 SCALE: 1/8"=1'-0"

TYPICAL CLUSTER
 UPPER FLOOR PLAN

AUGUST 18, 2021

JOB NO.: 18-126

A-2.2
 SHEET OF

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



A-I BUNGALOW
 ENHANCED ELEVATION

A-II COTTAGE
 ENHANCED ELEVATION

A-III SPANISH
 ENHANCED ELEVATION

A-IV FARMHOUSE
 ENHANCED ELEVATION

COLONIAL AVENUE ELEVATIONS



D-IV FARMHOUSE
 ENHANCED ELEVATION

C-I BUNGALOW
 ENHANCED ELEVATION

B-II COTTAGE
 ENHANCED ELEVATION

B-III SPANISH
 ENHANCED ELEVATION

A-I BUNGALOW
 ENHANCED ELEVATION

CHINO AVEUE ELEVATIONS



A-I BUNGALOW

B-III SPANISH

B-II COTTAGE

C-I BUNGALOW

D-IV FARMHOUSE

UNITS 1, 2, 3, 4 & 5 FRONT ELEVATIONS



C-II SPANISH

C-II COTTAGE

B-I BUNGALOW

B-IV FARMHOUSE

A-II COTTAGE

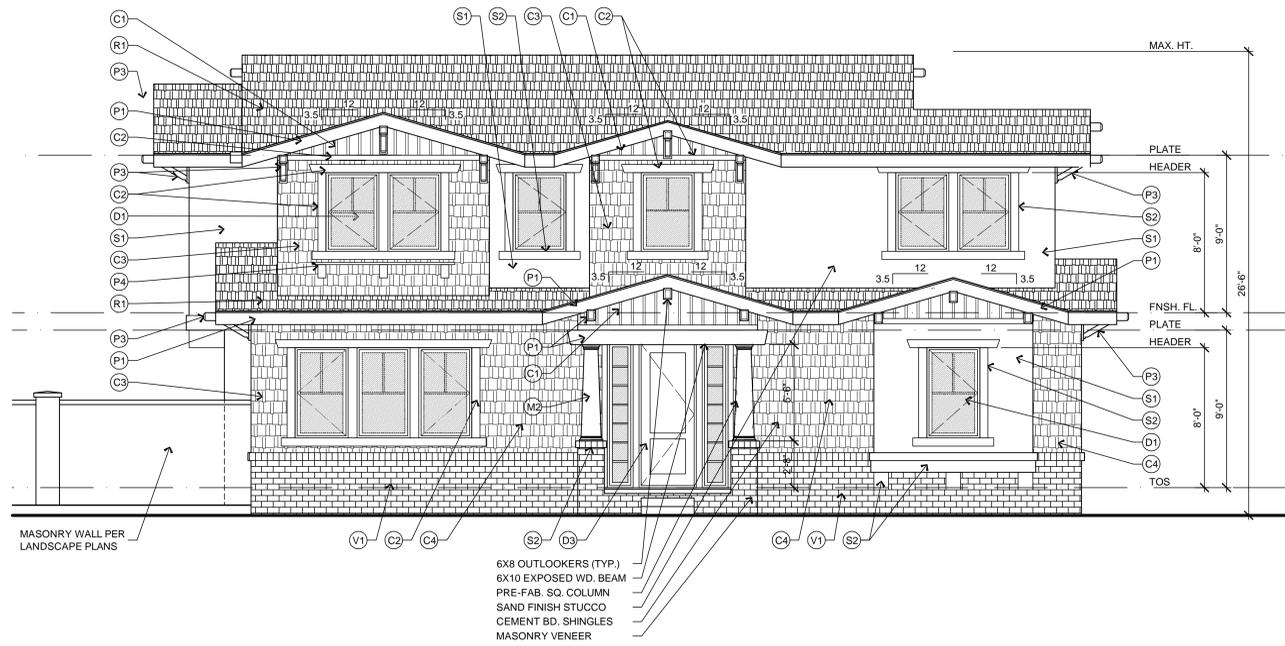
UNITS 6, 7, 8, 9 & 10 FRONT ELEVATIONS

CLUSTER ELEVATIONS
 FOR REFERENCE ONLY,
 SEE DETAILED
 ELEVATION DRAWINGS

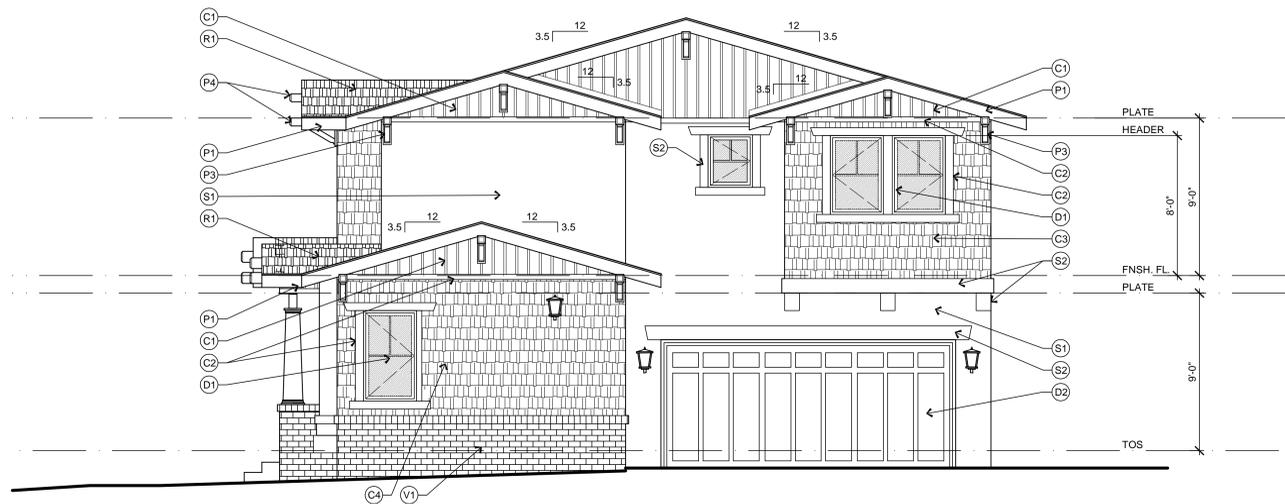
AUGUST 18, 2021

JOB NO.:18-126

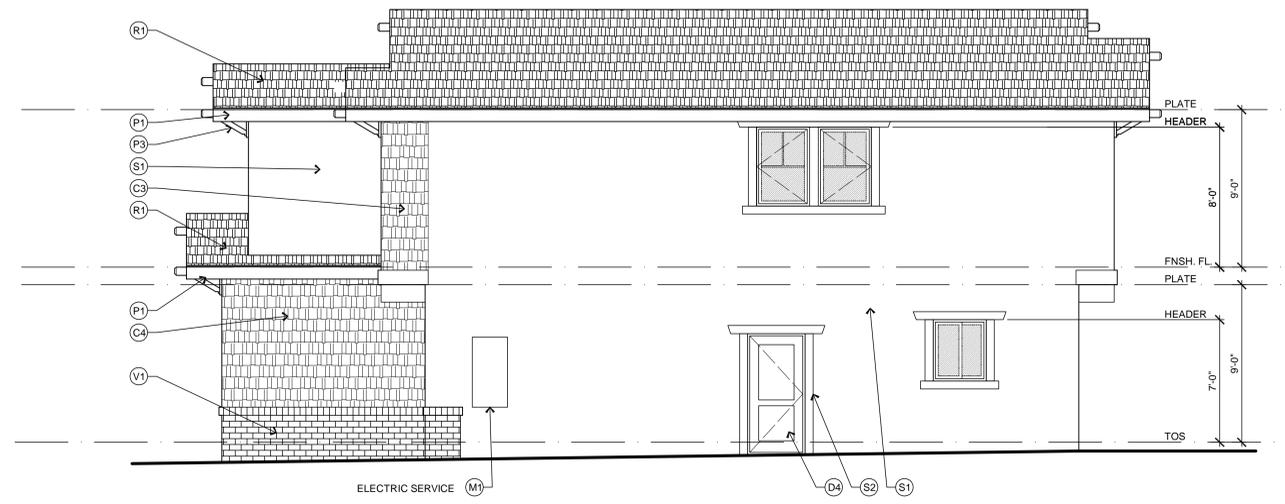
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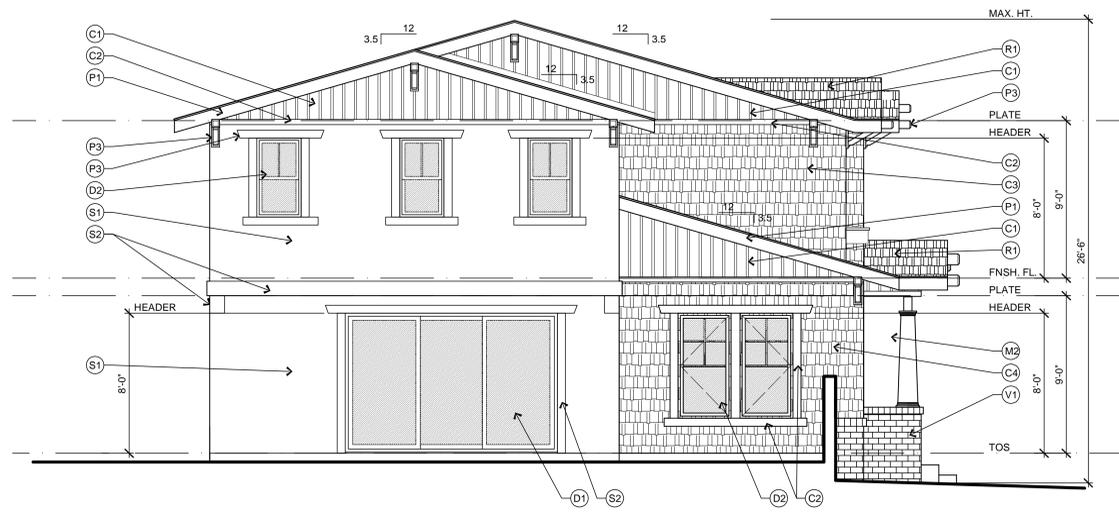
PLAN A-I - BUNGLOW FRONT (COLONIAL AVENUE)
UNIT 1 & 28 ENHANCED ELEVATION



PLAN A-I - BUNGLOW RIGHT (DRIVEWAY)
UNIT 1 & 28 ENHANCED ELEVATION



PLAN A-I - BUNGLOW REAR



PLAN A-I - BUNGLOW LEFT (PATIO)
UNIT 1 & 28 ENHANCED ELEVATION

PLAN A-I BUNGLOW ELEVATIONS
SCALE: 1/4"=1'-0"



TYPICAL COLUMN

I - BUNGLOW
EXTERIOR MATERIALS AND COLORS
3/19/2021

	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE POWDERROSA PROFILE 5557 LIVE OAK	R1	EAGLE TILE DRB. EAGLE PONDROSA PROFILE 5099 CHARCOAL RANGE
MASONRY VENEER	V1	HEBRON BRICK BRICK DAKOTA COMMON	V1	CREATIVE MINES CRAFT PEAK EDGESTONE TIMBERWOLF
STUCCO FIELD	S1	LA HABRA SAND FINISH SOUTHERN MOSS	S1	LA HABRA SAND FINISH ASPEN
STUCCO TRIM	S2	LA HABRA SAND FINISH MIRAGE	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	ALLURA TRADITIONAL CEDAR LINEN	C1	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C2	ALLURA FIBER CEMENT BOARD DESERT TAN	C2	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
CEMENT BOARD SHINGLE SIDING	C3	ALLURA SHAKE-RANDOM SQUARE-STRT AUTUMN RED	C3	JAMES HARDIE HARDIE SHINGLE MOUNTAIN SAGE
CEMENT BOARD	C4	ALLURA SHAKE-RANDOM SQUARE-STRT LINEN	C4	JAMES HARDIE HARDIE SHINGLE NAVAJO BEIGE
EXPOSED WOOD	P1	PAINT FINISH KILZ ANTIQUE WHITE	P1	PAINT FINISH KILZ WHITE
WOOD SHUTTERS	P2	NONE	P2	NONE
OUTLOOKERS	P3	PAINT FINISH KILZ ANTIQUE WHITE	P3	PAINT FINISH KILZ WHITE
WOOD PLANT SHELF	P4	PAINT FINISH KILZ ANTIQUE WHITE	P4	PAINT FINISH KILZ WHITE
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ RANCH HOUSE	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ BOHEMIAN WHITE	D3	PAINT FINISH KILZ JURE MOSS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ RANCH HOUSE	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
PREFAB COLUMNS	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

PLAN A-I
BUNGLOW
ELEVATIONS

AUGUST 18, 2021

JOB NO.:18-126

UNIT NUMBERS
1 & 28

PLAN A-I

A-A1.3
SHEET OF

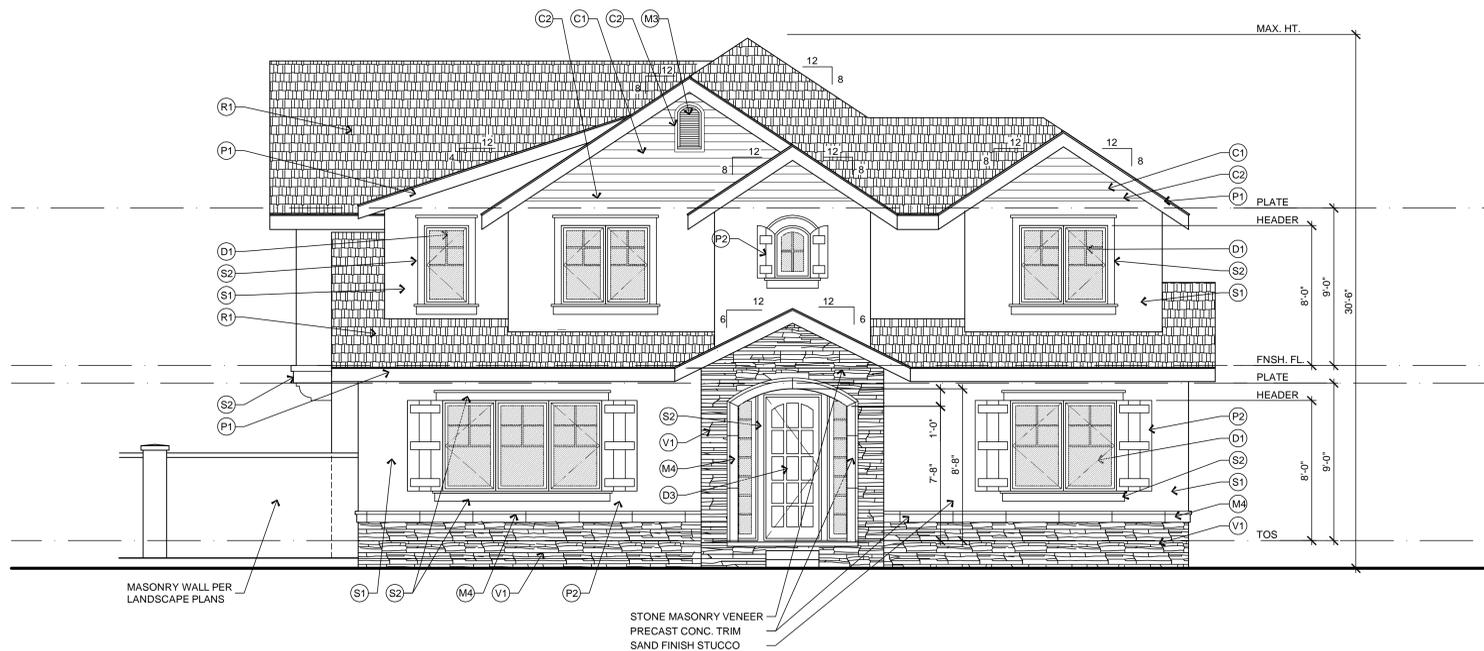
**RESIDENTIAL CLUSTER
 DEVELOPMENT**

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

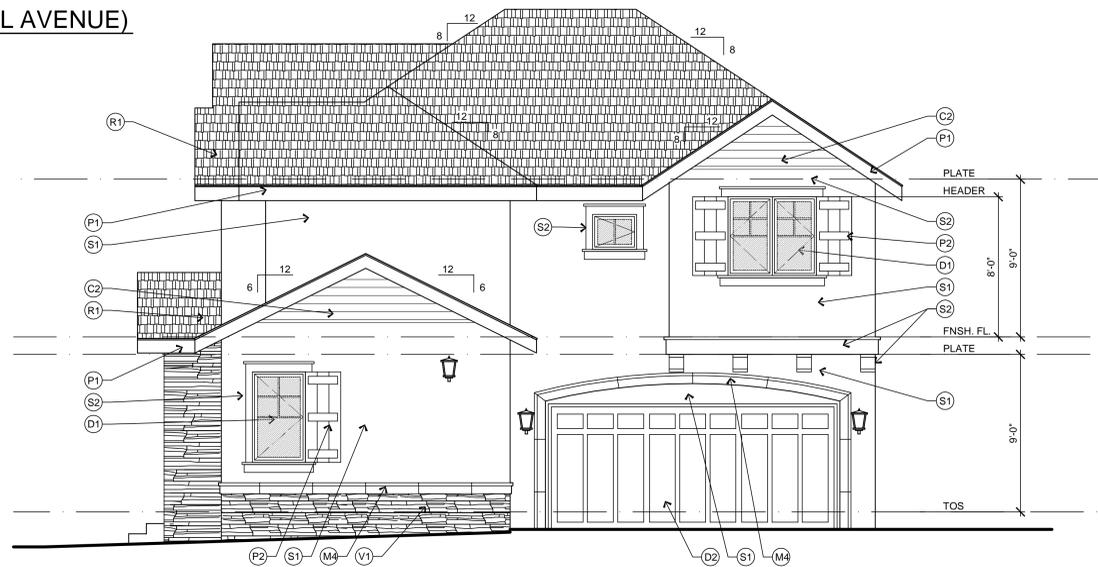
CHINO AVENUE, LLC

**II - COTTAGE
 EXTERIOR MATERIALS AND COLORS**
 3/19/2021

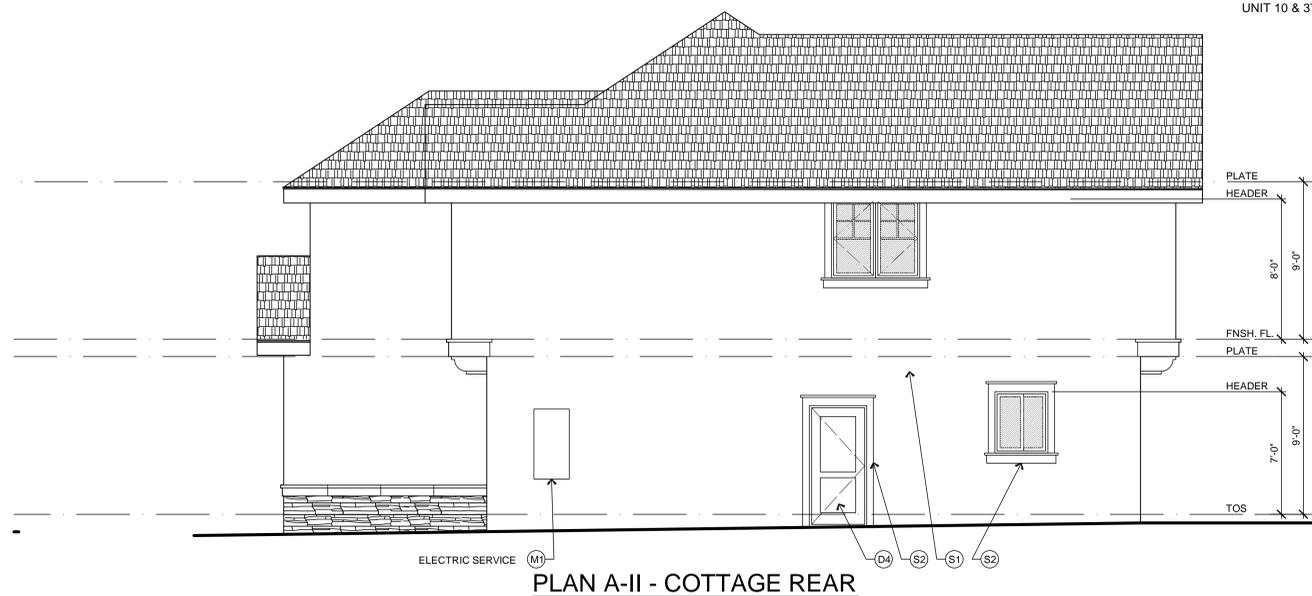
	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE PONDEROSA PROFILE 5602 CONCORD BLEND	R1	EAGLE TILE PONDEROSA PROFILE 5634 KINGS CANYON
MASONRY VENEER	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE GREEN TEA	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE BLACKTRUFFLE
STUCCO FIELD	S1	LA HABRA SAND FINISH ASPEN	S1	LA HABRA SAND FINISH SOUTHERN MOSS
STUCCO TRIM	S2	LA HABRA SAND FINISH CORAL GABLES	S2	LA HABRA SAND FINISH CORAL GABLES
CEMENT BOARD LAP SIDING	C1	JAMES HARDIE HARDE PLANK TIMBER BARK	C1	JAMES HARDIE LAP SIDING MONTEREY TAUPE
CEMENT BOARD TRIM	C2	JAMES HARDIE HARDE PLANK TIMBER BARK	C2	JAMES HARDIE HARDE PLANK MONTEREY TAUPE
EXPOSED WOOD	P1	PAINT FINISH KILZ SLEEPING CABIN	P1	PAINT FINISH KILZ SLEEPING CABIN
WOOD SHUTTERS	P2	PAINT FINISH KILZ TOTALLY SCIENTIFIC	P2	PAINT FINISH KILZ COFFEE GROUNDS
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ HIMALAYA	D2	PAINT FINISH KILZ BOHEMIAN EARTH
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D3	PAINT FINISH KILZ COFFEE GROUNDS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D4	PAINT FINISH KILZ COFFEE GROUNDS
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3	PAINT FINISH MATCH ADJACENT SURFACE	M3	PAINT FINISH MATCH ADJACENT SURFACE
PRECAST CONCRETE	M4	NATURAL CONCRETE	M4	NATURAL CONCRETE



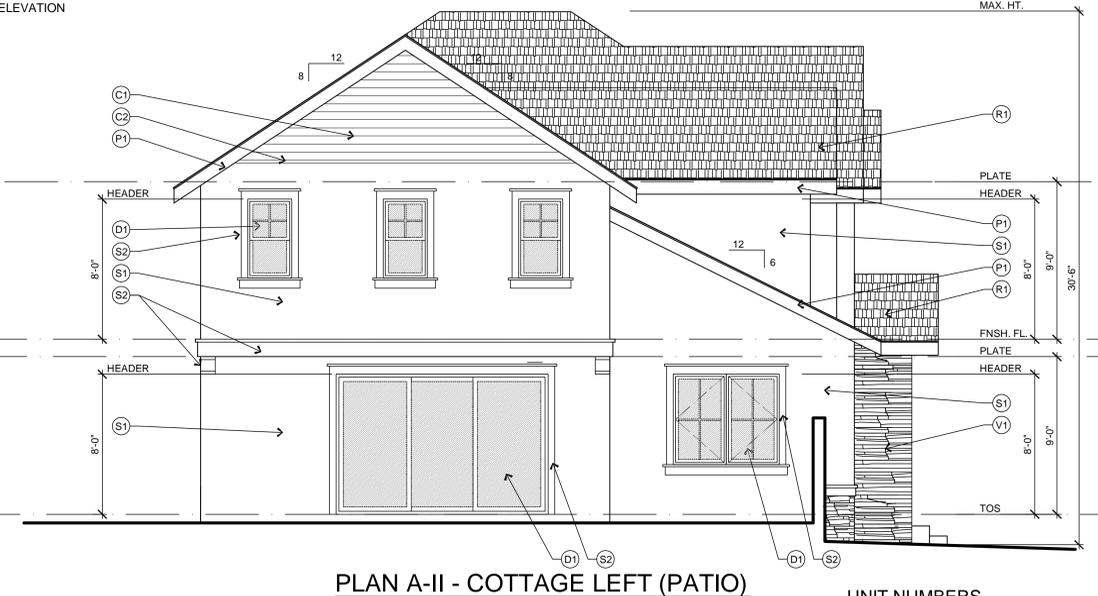
PLAN A-II - COTTAGE FRONT (COLONIAL AVENUE)
 UNIT 10 & 37 ENHANCED ELEVATION



PLAN A-II - COTTAGE RIGHT (DRIVEWAY)
 UNIT 10 & 37 ENHANCED ELEVATION



PLAN A-II - COTTAGE REAR



PLAN A-II - COTTAGE LEFT (PATIO)

PLAN A-II COTTAGE ELEVATIONS
 SCALE: 1/4"=1'-0"

UNIT NUMBERS
 10 & 37

PLAN A-II

PLAN A-II
 COTTAGE
 ELEVATIONS

AUGUST 18, 2021

JOB NO.: 18-126

A-A2.3
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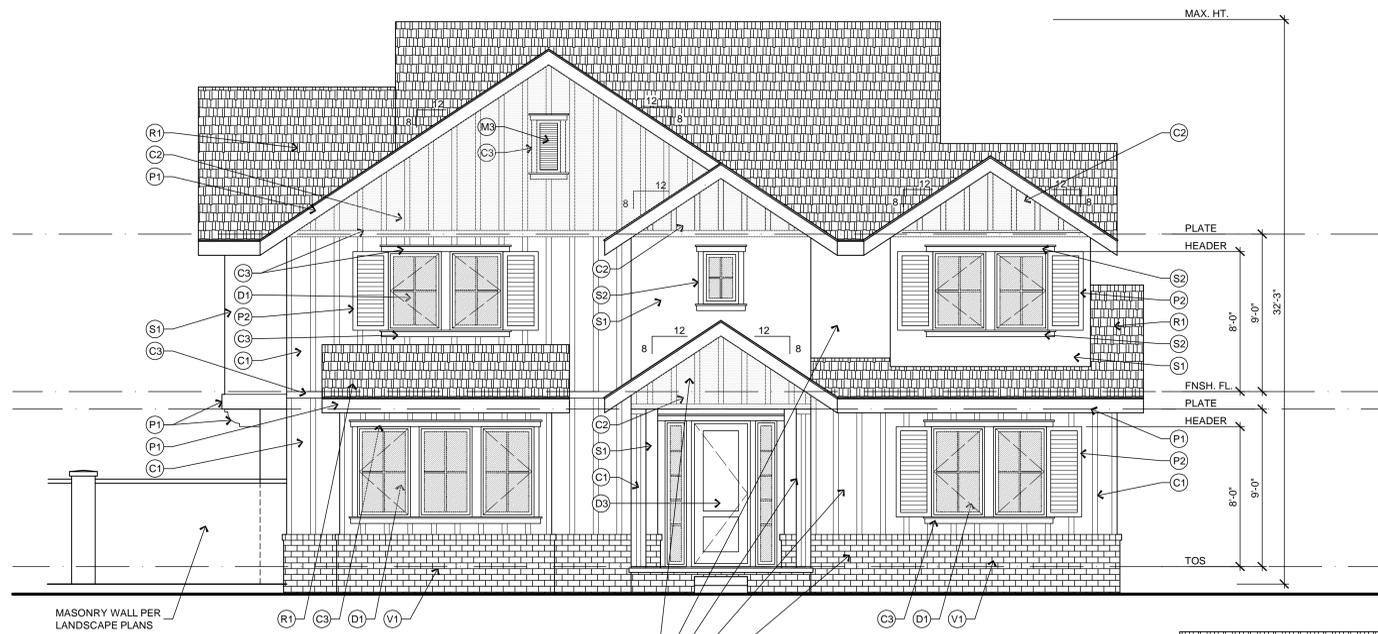
RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

IV - FARMHOUSE
EXTERIOR MATERIALS AND COLORS
 3/19/2021

	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE DIBL EAGLE PONDEROSA PROFILE 49595 DARK CHARCOAL	R1	EAGLE TILE PONDEROSA PROFILE 5602 CONCORD BLEND
MASONRY VENEER	V1	HEBRON BICK CASTLEWOOD	V1	HEBRON BRICK CASCADE
STUCCO FIELD	S1	LA HABRA SAND FINISH CHARLESTON	S1	LA HABRA SAND FINISH MIAMI PEACH
STUCCO TRIM	S2	LA HABRA SAND FINISH SILVERADO	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	JAMES HARDIE HARDIE PANEL EVENING BLUE	C1	JAMES HARDIE HARDIE PANEL BOOTHBAY BLUE
CEMENT BOARD VERTICAL SIDING	C2	JAMES HARDIE HARDIE PANEL AGED PEWTER	C2	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C3	JAMES HARDIE HARDIE PLANK AGED PEWTER	C3	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
EXPOSED WOOD	P1	PAINT FINISH TO MATCH ARCTIC WHITE	P1	PAINT FINISH TO MATCH ARCTIC WHITE
WOOD SHUTTERS	P2	PAINT FINISH KILZ OCTOBER MIST	P2	PAINT FINISH KILZ WHITE WING
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ OCTOBER MIST	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ PERUSSIAN BLUE	D3	PAINT FINISH KILZ TOASTED POPPYSEED
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ OCTOBER MIST	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3	PAINT FINISH MATCH ADJACENT SURFACE	M3	PAINT FINISH MATCH ADJACENT SURFACE

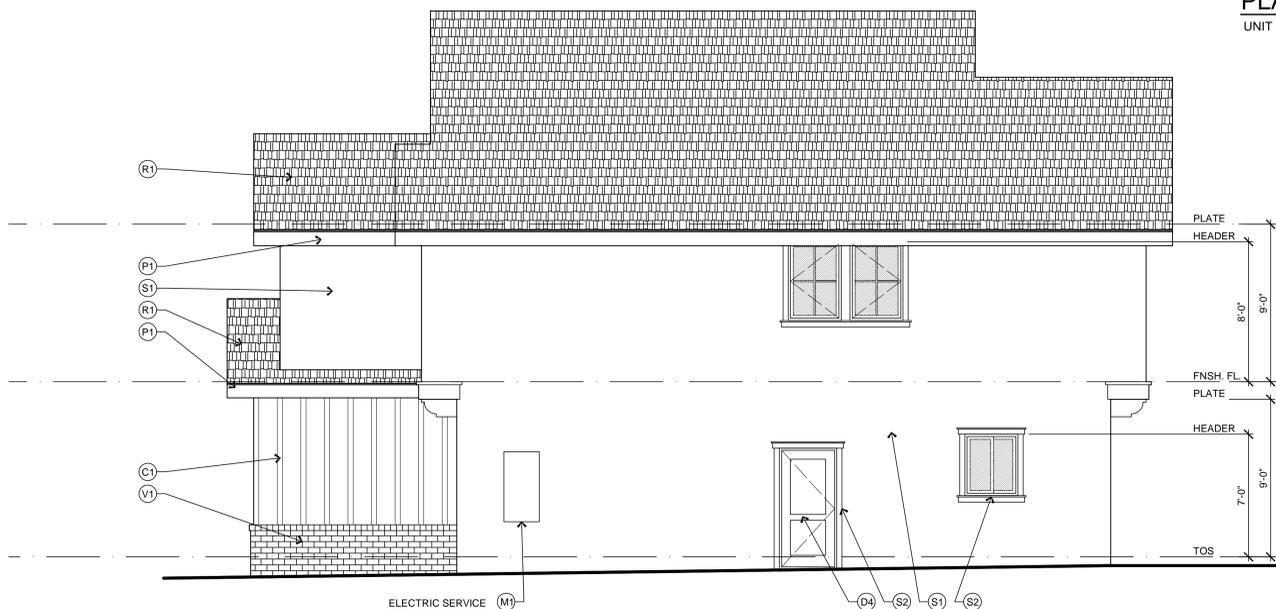


PLAN A-IV - FARMHOUSE FRONT (COLONIAL AVENUE)
 UNIT 18 ENHANCED ELEVATION

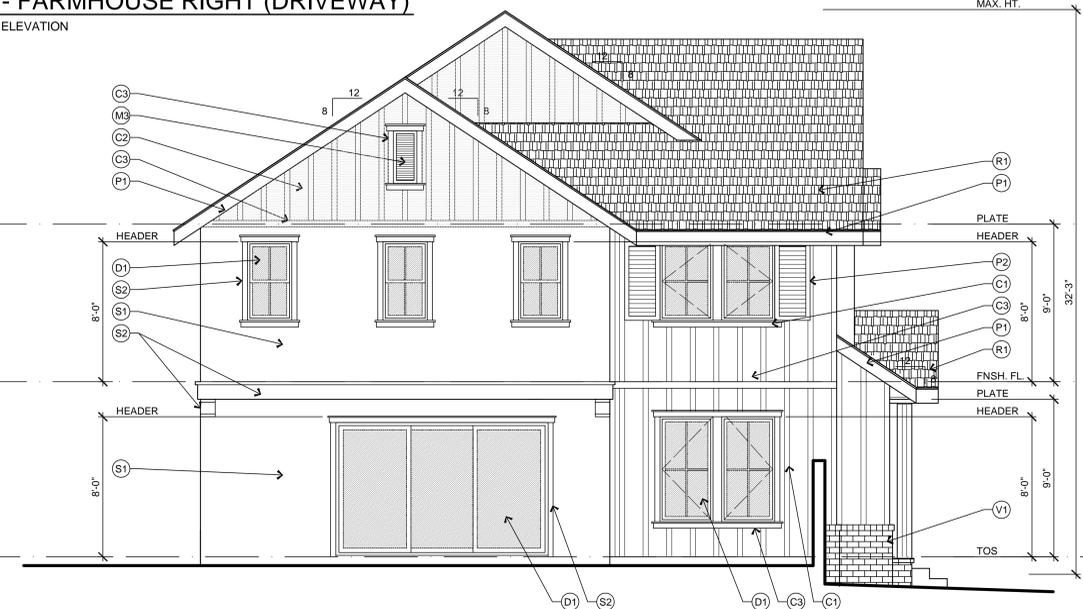
ACCENT COLOR
 CEMENT BD. SIDING
 SAND FINISH STUCCO
 CEMENT BD. FNSH. COL.
 CEMENT BD. SIDING
 BRICK MASONRY VENEER



PLAN A-IV - FARMHOUSE RIGHT (DRIVEWAY)
 UNIT 18 ENHANCED ELEVATION



PLAN A-IV - FARMHOUSE REAR



PLAN A-IV - FARMHOUSE LEFT (PATIO)
 UNIT 18 ENHANCED ELEVATION

UNIT NUMBERS
 18

PLAN A-IV FARMHOUSE ELEVATIONS
 SCALE: 1/4"=1'-0"

PLAN A-IV

PLAN A-IV FARMHOUSE ELEVATIONS

AUGUST 18, 2021

JOB NO.:18-126

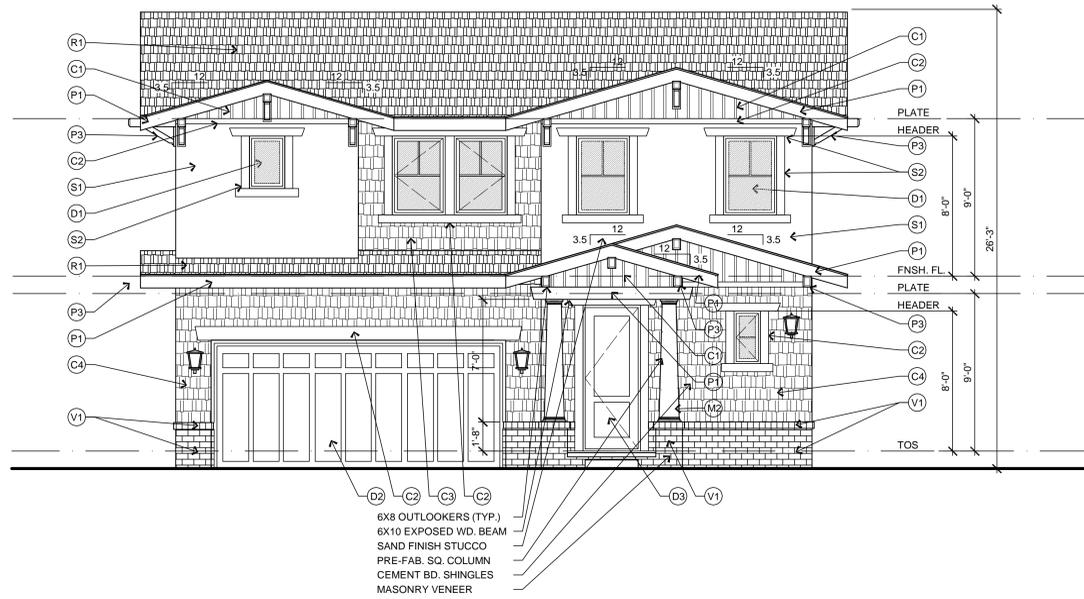
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I - BUNGALOW
EXTERIOR MATERIALS AND COLORS
3/19/2021

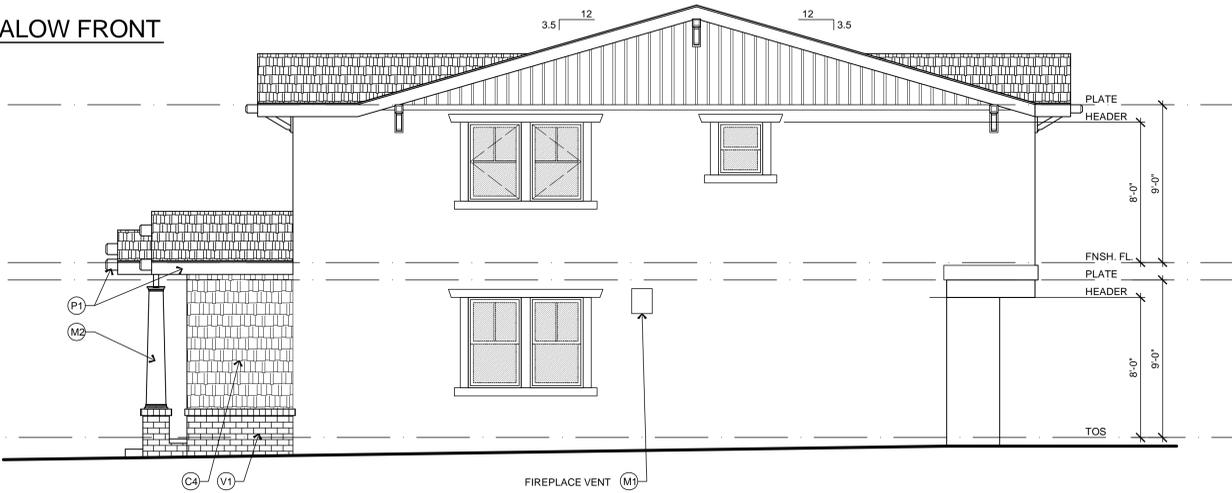
	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE PONDEROSA PROFILE 5557 LIVE OAK	R1	EAGLE TILE DNE EAGLE PONDEROSA PROFILE 5099 CHARCOAL RANGE
MASONRY VENEER	V1	HEBRON BRICK BRICK DAKOTA COMMON	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE TIMBERWOLF
STUCCO FIELD	S1	LA HABRA SAND FINISH SOUTHERN MOSS	S1	LA HABRA SAND FINISH ASPEN
STUCCO TRIM	S2	LA HABRA SAND FINISH MIRAGE	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	ALLURA TRADITIONAL CEDAR LINEN	C1	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C2	ALLURA FIBER CEMENT BOARD DESERT TAN	C2	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
CEMENT BOARD SHINGLE SIDING	C3	ALLURA SHAKE-RANDOM SQUARE STRT AUTUMN RED	C3	JAMES HARDIE HARDIE SHINGLE MOUNTAIN SAGE
CEMENT BOARD	C4	ALLURA SHAKE-RANDOM SQUARE STRT LINEN	C4	JAMES HARDIE HARDIE SHINGLE NAVAJO BEIGE
EXPOSED WOOD	P1	PAINT FINISH KILZ ANTIQUÉ WHITE	P1	PAINT FINISH KILZ WHITE
WOOD SHUTTERS	P2	NONE	P2	NONE
OUTLOOKERS	P3	PAINT FINISH KILZ ANTIQUÉ WHITE	P3	PAINT FINISH KILZ WHITE
WOOD PLANT SHELF	P4	PAINT FINISH KILZ ANTIQUÉ WHITE	P4	PAINT FINISH KILZ WHITE
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ RANCH HOUSE	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ BOHEMIAN WHITE	D3	PAINT FINISH KILZ JUNE MOSS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ RANCH HOUSE	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
PREFAB COLUMNS	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL



TYPICAL COLUMN



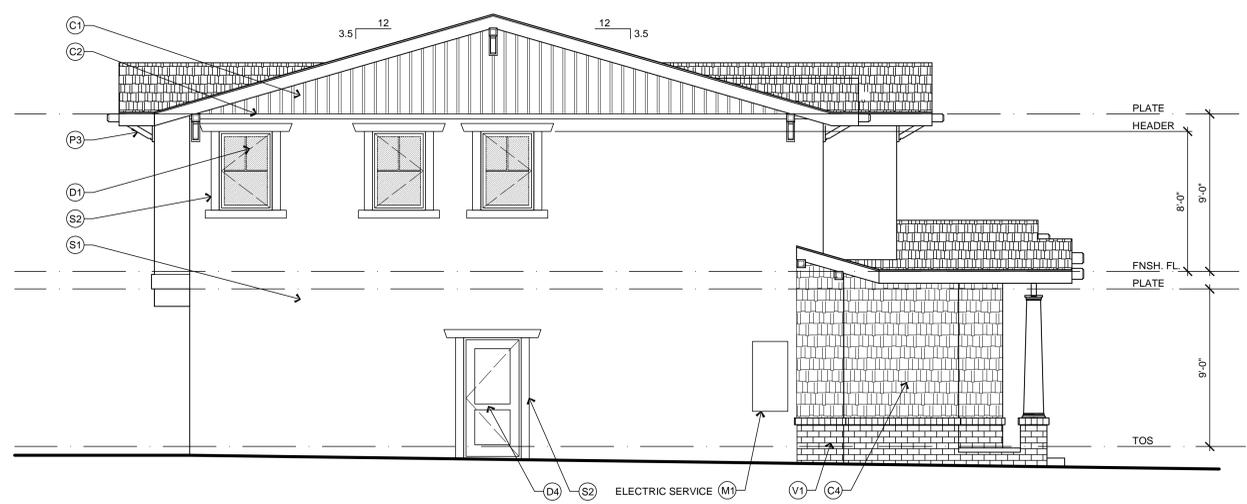
PLAN B-I - BUNGALOW FRONT
ENHANCED ELEVATION



PLAN B-I - BUNGALOW RIGHT



PLAN B-I - BUNGALOW REAR (PATIO)



PLAN B-I - BUNGALOW LEFT

PLAN B-I BUNGALOW ELEVATIONS
SCALE: 1/4"=1'-0"

UNIT NUMBERS
8, 25, & 35

PLAN B-I

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA
CHINO AVENUE, LLC

PLAN B-I
BUNGALOW
ELEVATIONS

AUGUST 18, 2021

JOB NO.: 18-126

A-B1.3
SHEET OF

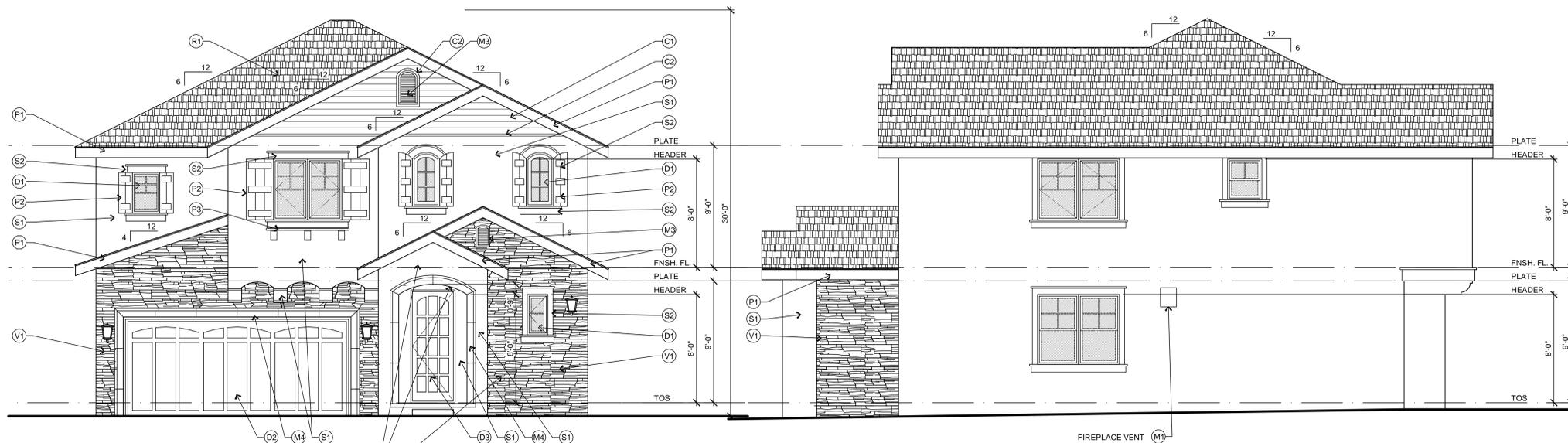
**RESIDENTIAL CLUSTER
DEVELOPMENT**

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

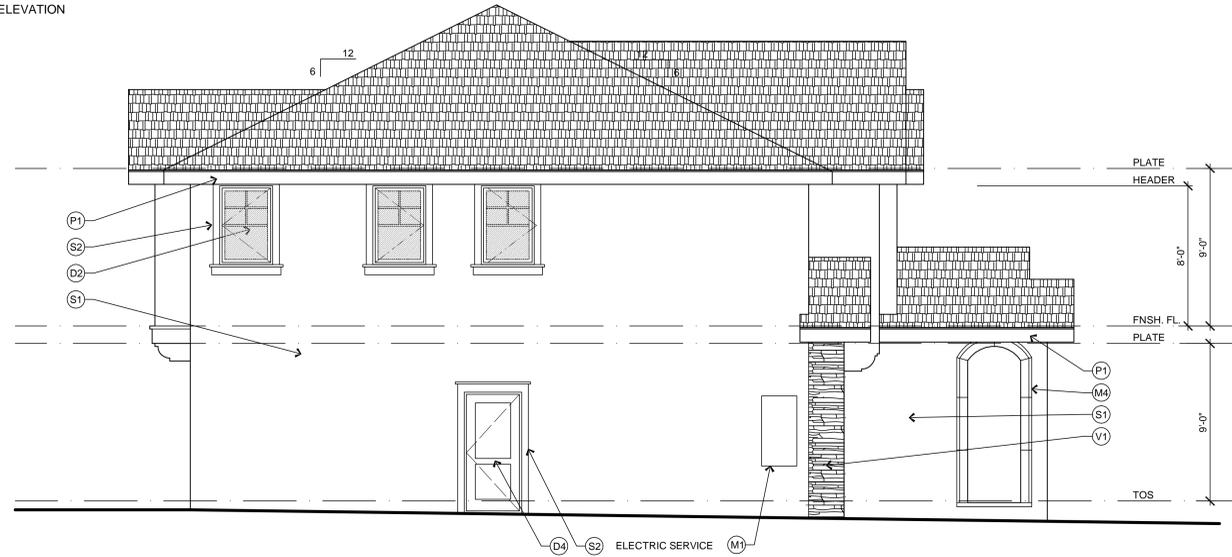
**II - COTTAGE
EXTERIOR MATERIALS AND COLORS**
3/19/2021

	SCHEME 1	SCHEME 2
CONCRETE ROOF TILE	R1 EAGLE TILE PONDERSOSA PROFILE 5602 CONCORD BLEND	R1 EAGLE TILE PONDERSOSA PROFILE 5634 KINGS CANYON
MASONRY VENEER	V1 CREATIVE MINES CRAFT PEAK LEDGESTONE GREEN TEA	V1 CREATIVE MINES CRAFT PEAK LEDGESTONE BLACKTRUFFLE
STUCCO FIELD	S1 LA HABRA SAND FINISH ASPEN	S1 LA HABRA SAND FINISH SOUTHERN MOSS
STUCCO TRIM	S2 LA HABRA SAND FINISH CORAL GABLES	S2 LA HABRA SAND FINISH CORAL GABLES
CEMENT BOARD LAP SIDING	C1 JAMES HARDIE LAP SIDING TIMBER BARK	C1 JAMES HARDIE LAP SIDING MONTEREY TAUPE
CEMENT BOARD TRIM	C2 JAMES HARDIE HARDIE PLANK TIMBER BARK	C2 JAMES HARDIE HARDIE PLANK MONTEREY TAUPE
EXPOSED WOOD	P1 PAINT FINISH KILZ SLEEPING CABIN	P1 PAINT FINISH KILZ SLEEPING CABIN
WOOD SHUTTERS	P2 PAINT FINISH KILZ TOTALLY SCIENTIFIC	P2 PAINT FINISH KILZ COFFEE GROUNDS
WINDOWS & PATIO DOORS	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2 PAINT FINISH KILZ HIMALAYA	D2 PAINT FINISH KILZ BOHEMIAN EARTH
ENTRY DOOR/ACCENT	D3 PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D3 PAINT FINISH KILZ COFFEE GROUNDS
WOOD DOOR & FRAME	D4 PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D4 PAINT FINISH KILZ COFFEE GROUNDS
MISCELLANEOUS	M1 PAINT FINISH MATCH ADJACENT SURFACE	M1 PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3 PAINT FINISH MATCH ADJACENT SURFACE	M3 PAINT FINISH MATCH ADJACENT SURFACE
PRECAST CONCRETE	M4 NATURAL CONCRETE	M4 NATURAL CONCRETE

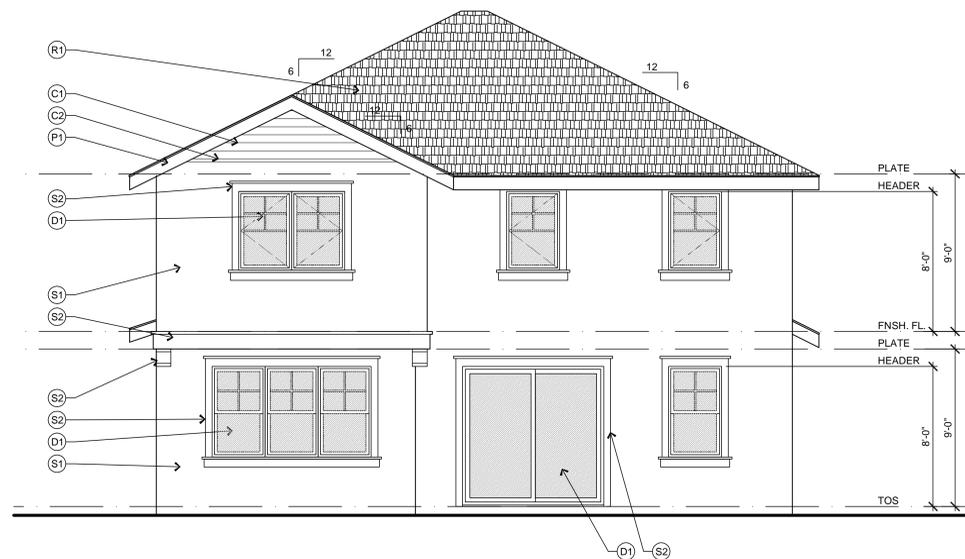


PLAN B-II - COTTAGE FRONT
ENHANCED ELEVATION

PLAN B-II - COTTAGE RIGHT



PLAN B-II - COTTAGE REAR



PLAN B-II - COTTAGE REAR (PATIO)
UNITS 12 & 30



PLAN B-II - COTTAGE REAR (PATIO)
UNITS 3 & 20 ENHANCED ELEVATION

PLAN B-II COTTAGE ELEVATIONS
SCALE: 1/4"=1'-0"

UNIT NUMBERS
3, 12, 20 & 30

PLAN B-II

AUGUST 18, 2021

JOB NO.:18-126

A-B2.3
SHEET OF

III - SPANISH
EXTERIOR MATERIALS AND COLORS
3/10/2021

	SCHEME 1	SCHEME 2
CONCRETE ROOF TILE	R1 EAGLE TILE CAPISTRANO PROFILE 3124 HILO SUNSET	R1 EAGLE TILE CAPISTRANO PROFILE 3814 PABLO BLEND
MASONRY VENEER	NONE	NONE
STUCCO FIELD	S1 LA HABRA SAND FINISH PACIFIC SAND	S1 LA HABRA SAND FINISH MEADOWBROOK
STUCCO TRIM	S2 LA HABRA SAND FINISH CRYSTAL WHITE	S2 LA HABRA SAND FINISH MIRAGE
STUCCO CORNICE	S3 LA HABRA SAND FINISH PACIFIC SAND	S3 LA HABRA SAND FINISH MEADOWBROOK
STUCCO CORBEL/TRIM	S4 LA HABRA SAND FINISH PACIFIC SAND	S4 LA HABRA SAND FINISH MEADOWBROOK
CEMENT BOARD	NONE	NONE
EXPOSED WOOD	NONE	NONE
WINDOWS & PATIO DOORS	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2 PAINT FINISH KILZ TONKA BEAN	D2 PAINT FINISH KILZ COFFEE GROUNDS
ENTRY DOOR/ACCENT	D3 PAINT FINISH KILZ IRON MEDALLION (BLUE GREY)	D3 PAINT FINISH KILZ GARDEN POND (AQUA)
WOOD DOOR & FRAME	D4 PAINT FINISH KILZ TONKA BEAN	D4 PAINT FINISH KILZ COFFEE GROUNDS
MISCELLANEOUS	M1 PAINT FINISH MATCH ADJACENT SURFACE	M1 PAINT FINISH MATCH ADJACENT SURFACE
FALSE GABLE VENTS	M5 IMITATION SEWER TILE MATCH ROOF	M5 IMITATION SEWER TILE MATCH ROOF
ACCENT TILE	M6 PORCELAIN TILE CATALINA DESIGNS - MARINA	M6 PORCELAIN TILE CATALINA DESIGNS - AQUA

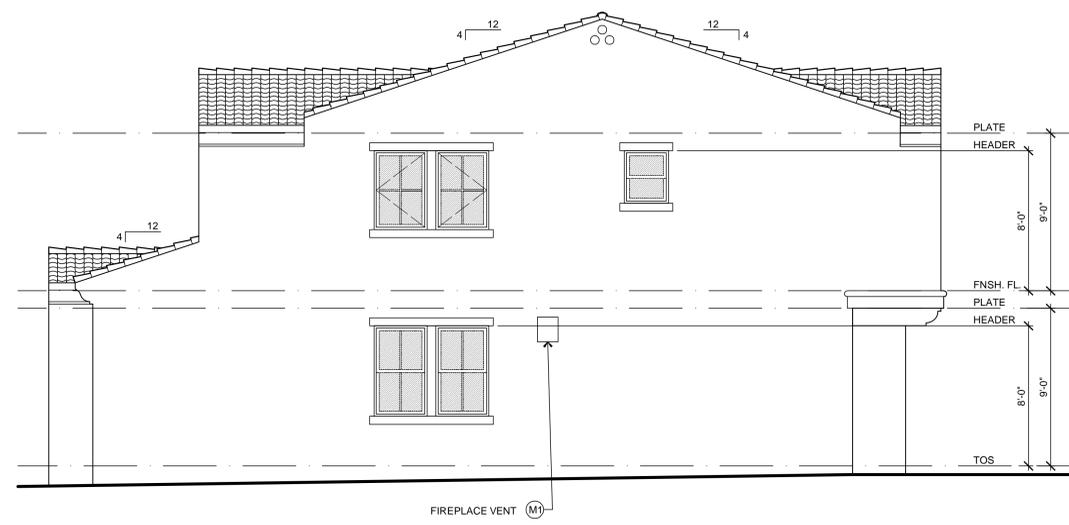
**RESIDENTIAL CLUSTER
DEVELOPMENT**

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

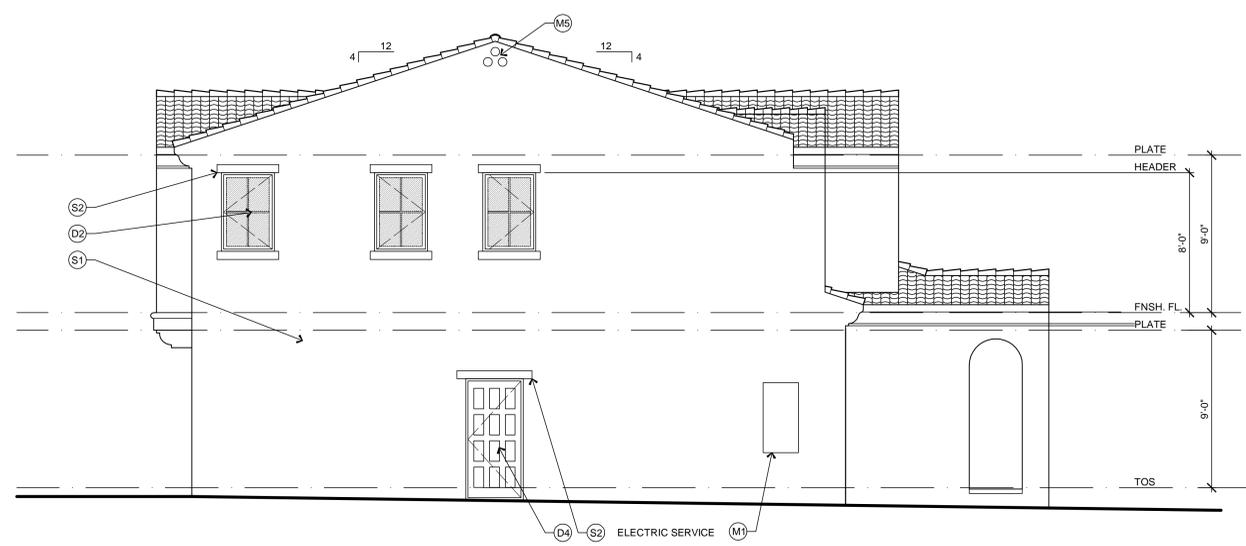
CHINO AVENUE, LLC



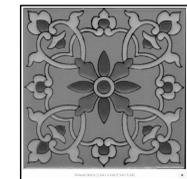
PLAN B-III - SPANISH FRONT
ENHANCED ELEVATION



PLAN B-III - SPANISH RIGHT



PLAN B-III - SPANISH LEFT



ACCENT TILE
CATALINA DESIGNS



PLAN B-III - SPANISH REAR (PATIO)
UNITS 13 & 20



PLAN B-III - SPANISH REAR (PATIO)
UNIT 2 & 19 ENHANCED ELEVATION

PLAN B-III SPANISH ELEVATIONS
SCALE: 1/4"=1'-0"

UNIT NUMBERS
2, 13, 19 & 29

PLAN B-III

PLAN B-III
SPANISH
ELEVATIONS

AUGUST 18, 2021

JOB NO.:18-126

A-B3.3
SHEET OF

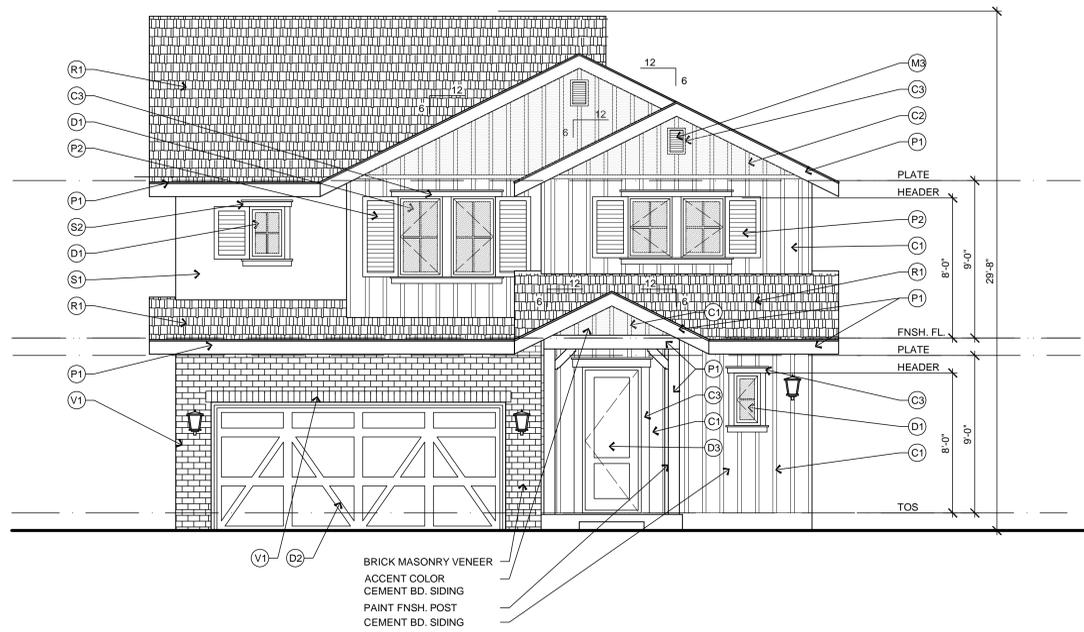
IV - FARMHOUSE
EXTERIOR MATERIALS AND COLORS
3/19/2021

	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE DIB EAGLE PONDEROSA PROFILE 49595 DARK CHARCOAL	R1	EAGLE TILE PONDEROSA PROFILE 5602 CONCORD BLEND
MASONRY VENEER	V1	HEBRON BICK CASTLEWOOD	V1	HEBRON BRICK CASCADE
STUCCO FIELD	S1	LA HABRA SAND FINISH CHARLESTON	S1	LA HABRA SAND FINISH MIAMI PEACH
STUCCO TRIM	S2	LA HABRA SAND FINISH SILVERADO	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	JAMES HARDIE HARDIE PANEL EVENING BLUE	C1	JAMES HARDIE HARDIE PANEL BOOTHBAY BLUE
CEMENT BOARD VERTICAL SIDING	C2	JAMES HARDIE HARDIE PANEL AGED PEWTER	C2	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C3	JAMES HARDIE HARDIE PLANK AGED PEWTER	C3	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
EXPOSED WOOD	P1	PAINT FINISH TO MATCH ARCTIC WHITE	P1	PAINT FINISH TO MATCH ARCTIC WHITE
WOOD SHUTTERS	P2	PAINT FINISH KILZ OCTOBER MIST	P2	PAINT FINISH KILZ WHITE WING
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ OCTOBER MIST	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ PERUSSIAN BLUE	D3	PAINT FINISH KILZ TOASTED POPPYSEED
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ OCTOBER MIST	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3	PAINT FINISH MATCH ADJACENT SURFACE	M3	PAINT FINISH MATCH ADJACENT SURFACE

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



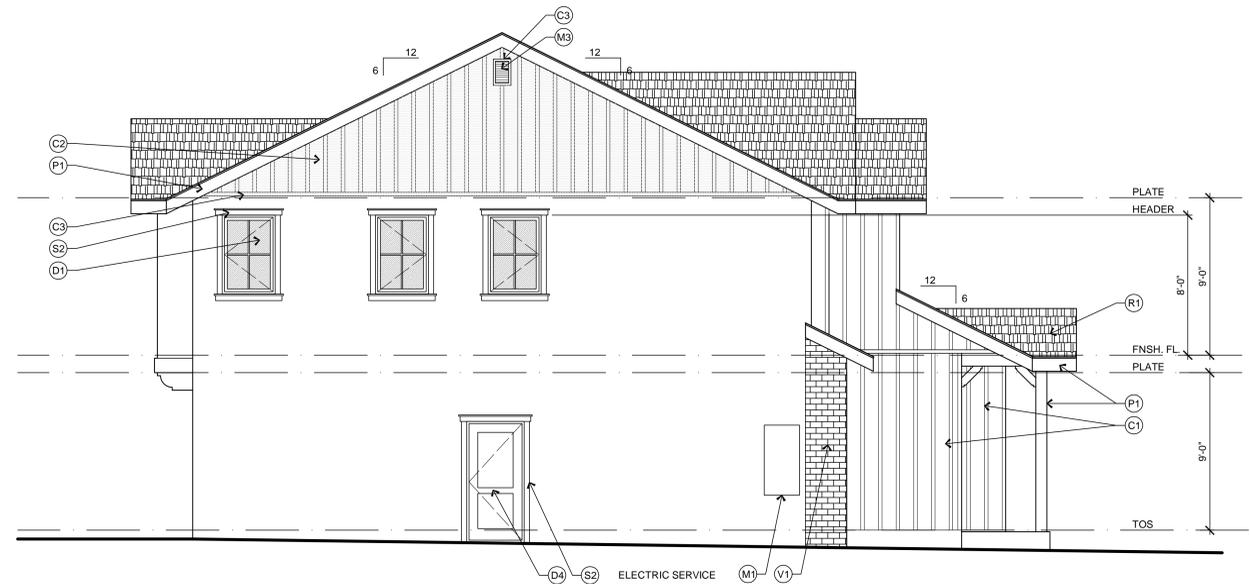
PLAN B-IV - FARMHOUSE FRONT



PLAN B-IV - FARMHOUSE RIGHT



PLAN B-IV - FARMHOUSE REAR (PATIO)



PLAN B-IV - FARMHOUSE LEFT

PLAN B-IV FARMHOUSE ELEVATIONS
SCALE: 1/4"=1'-0"

UNIT NUMBERS
9, 26, & 36

PLAN B-IV

AUGUST 18, 2021

JOB NO.:18-126

A-B4.3
SHEET OF

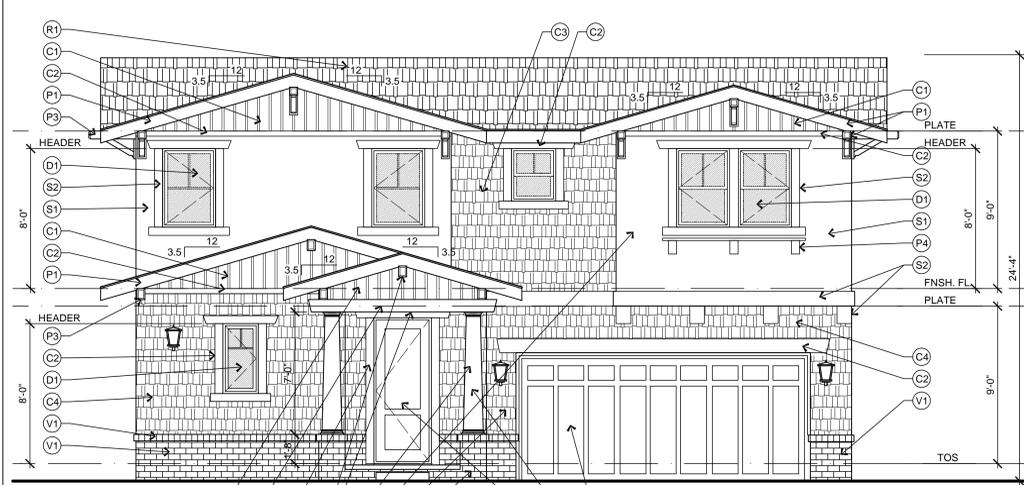
RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

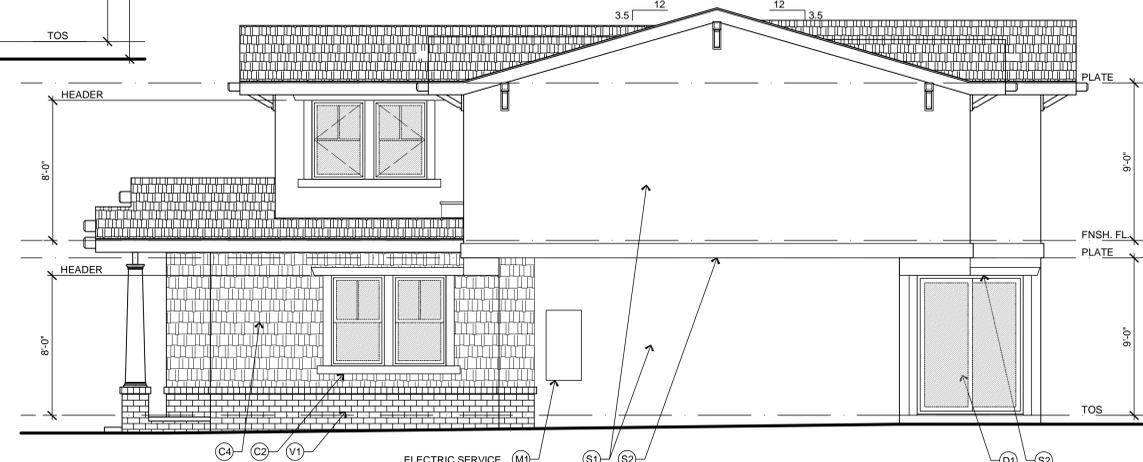
I - BUNGALOW
EXTERIOR MATERIALS AND COLORS
 3/19/2021

	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE POWDEROSA PROFILE 5557 LIVE OAK	R1	EAGLE TILE DBL EAGLE PONDERSOSA PROFILE 5099 CHARCOAL RANGE
MASONRY VENEER	V1	HEBRON BRICK BIRCK DAKOTA COMMON	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE TIMBERWOLF
STUCCO FIELD	S1	LA HABRA SAND FINISH SOUTHERN MOSS	S1	LA HABRA SAND FINISH ASPEN
STUCCO TRIM	S2	LA HABRA SAND FINISH MIRAGE	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	ALLURA TRADITIONAL CEDAR LINEN	C1	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C2	ALLURA FIBER CEMENT BOARD DESERT TAN	C2	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
CEMENT BOARD SHINGLE SIDING	C3	ALLURA SHAKE-RANDOM SQUARE-STRT AUTUMN RED	C3	JAMES HARDIE HARDIE SHINGLE MOUNTAIN SAGE
CEMENT BOARD	C4	ALLURA SHAKE-RANDOM SQUARE-STRT LINEN	C4	JAMES HARDIE HARDIE SHINGLE NAVAJO BEIGE
EXPOSED WOOD	P1	PAINT FINISH KILZ ANTIQUE WHITE	P1	PAINT FINISH KILZ WHITE
WOOD SHUTTERS	P2	NONE	P2	NONE
OUTLOOKERS	P3	PAINT FINISH KILZ ANTIQUE WHITE	P3	PAINT FINISH KILZ WHITE
WOOD PLANT SHELF	P4	PAINT FINISH KILZ ANTIQUE WHITE	P4	PAINT FINISH KILZ WHITE
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ RANCH HOUSE	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ BOHEMIAN WHITE	D3	PAINT FINISH KILZ JUNE MOSS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ RANCH HOUSE	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
PREFAB COLUMNS	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL

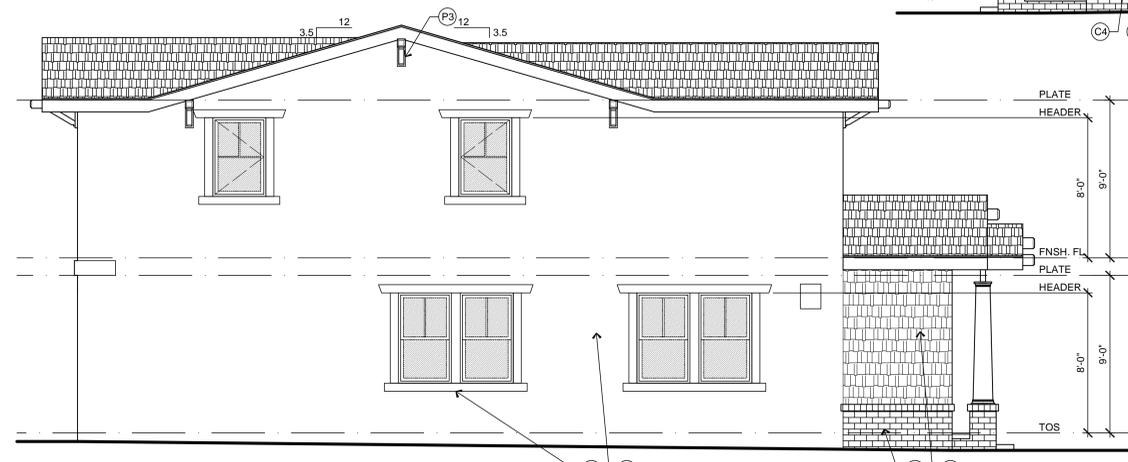


- 6X8 OUTLOOKERS (TYP.)
- 6X10 EXPOSED WD. BEAM
- PRE-FAB. SQ. COLUMN
- SAND FINISH STUCCO
- CEMENT BD. SHINGLES
- MASONRY VENEER

PLAN C-I - BUNGALOW FRONT
 ENHANCED ELEVATION



PLAN C-I - BUNGALOW RIGHT



PLAN C-I - BUNGALOW REAR



PLAN C-I - BUNGALOW REAR (PATIO)
 UNITS 14, 21 & 31



PLAN C-I - BUNGALOW REAR (PATIO)
 UNIT 4 ENHANCED ELEVATION

PLAN C-I BUNGALOW ELEVATIONS
 SCALE: 1/4"=1'-0"



TYPICAL COLUMN

PLAN C-I BUNGALOW ELEVATIONS

UNIT NUMBERS
 4, 14, 21 & 31

PLAN C-I

AUGUST 18, 2021

JOB NO.:18-126

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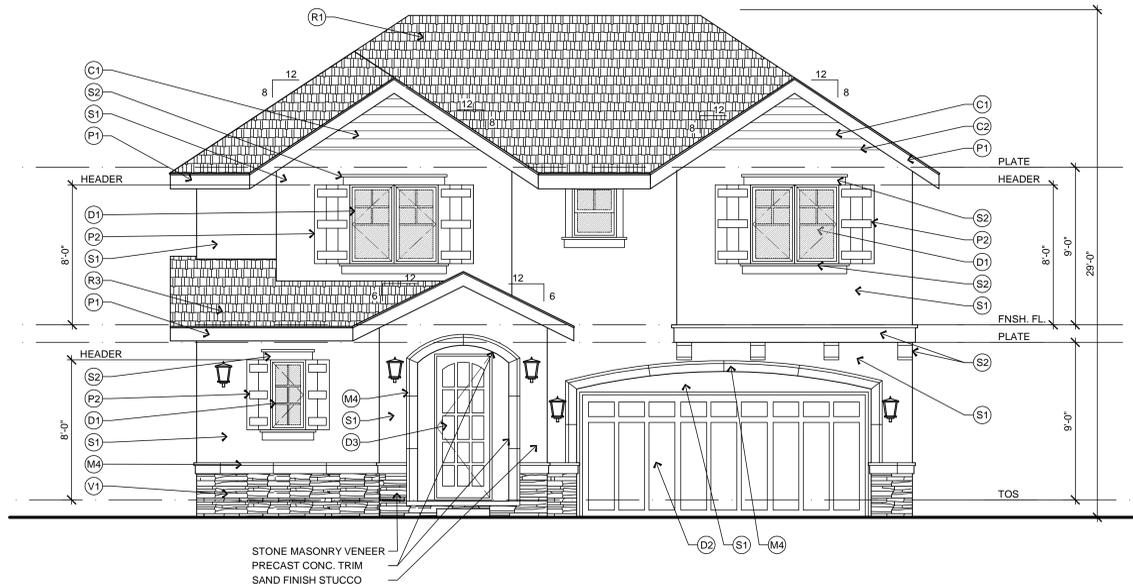
II - COTTAGE
EXTERIOR MATERIALS AND COLORS
 3/19/2021

	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE PONDEROSA PROFILE 5602 CONCORD BLEND	R1	EAGLE TILE PONDEROSA PROFILE 5634 KINGS CANYON
MASONRY VENEER	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE GREEN TEA	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE BLACKTRUFFLE
STUCCO FIELD	S1	LA HABRA SAND FINISH ASPER	S1	LA HABRA SAND FINISH SOUTHERN MOSS
STUCCO TRIM	S2	LA HABRA SAND FINISH CORAL GABLES	S2	LA HABRA SAND FINISH CORAL GABLES
CEMENT BOARD LAP SIDING	C1	JAMES HARDIE LAP SIDING TIMBER BARK	C1	JAMES HARDIE LAP SIDING MONTEREY TAUPE
CEMENT BOARD TRIM	C2	JAMES HARDIE HARDIE PLANK TIMBER BARK	C2	JAMES HARDIE HARDIE PLANK MONTEREY TAUPE
EXPOSED WOOD	P1	PAINT FINISH KILZ SLEEPING CABIN	P1	PAINT FINISH KILZ SLEEPING CABIN
WOOD SHUTTERS	P2	PAINT FINISH KILZ TOTALLY SCIENTIFIC	P2	PAINT FINISH KILZ COFFEE GROUNDS
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ HIMALAYA	D2	PAINT FINISH KILZ BOHEMIAN EARTH
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D3	PAINT FINISH KILZ COFFEE GROUNDS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ TOTALLY SCIENTIFIC (GREY-BLUE)	D4	PAINT FINISH KILZ COFFEE GROUNDS
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3	PAINT FINISH MATCH ADJACENT SURFACE	M3	PAINT FINISH MATCH ADJACENT SURFACE
PRECAST CONCRETE	M4	NATURAL CONCRETE	M4	NATURAL CONCRETE

**RESIDENTIAL CLUSTER
 DEVELOPMENT**

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC



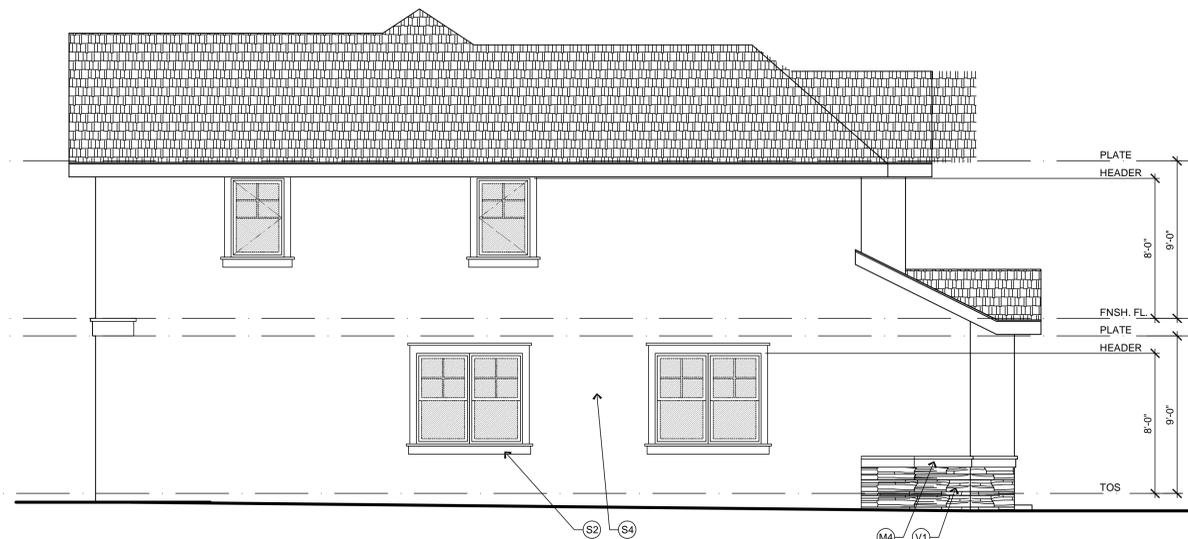
PLAN C-II - COTTAGE FRONT
 ENHANCED ELEVATION



PLAN C-II - COTTAGE RIGHT



PLAN C-II - COTTAGE REAR (PATIO)



PLAN C-II - COTTAGE REAR

PLAN C-II COTTAGE ELEVATIONS
 SCALE: 1/4"=1'-0"

UNIT NUMBERS
 7, 17, 24 & 34

PLAN C-II

**PLAN C-II
 COTTAGE
 ELEVATIONS**

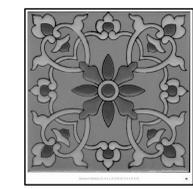
AUGUST 18, 2021

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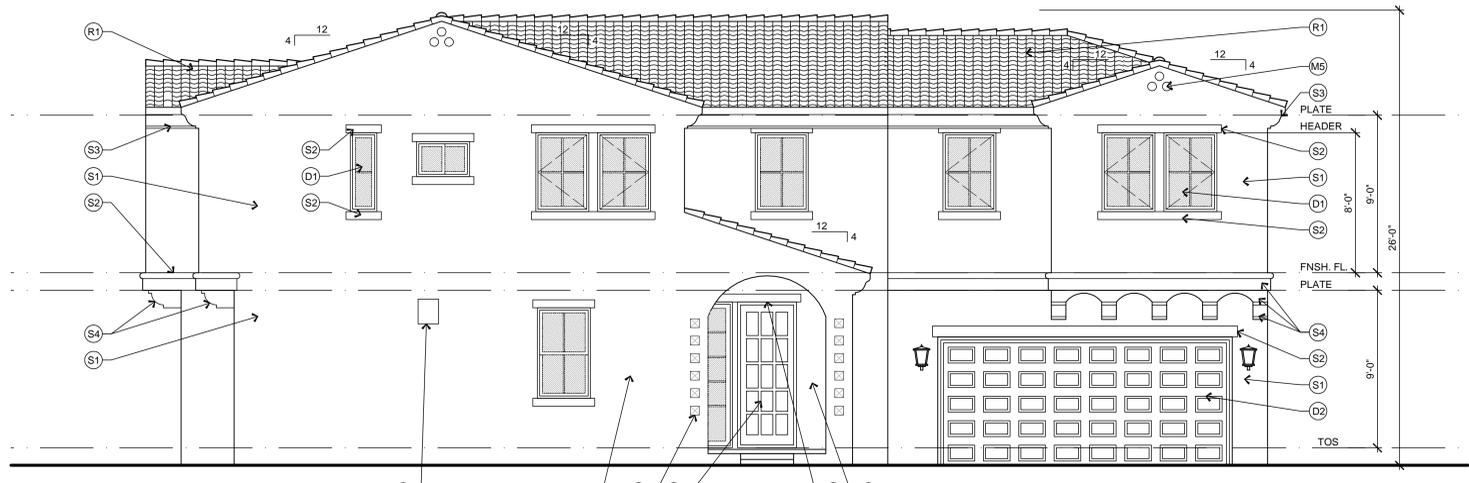
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III - SPANISH
EXTERIOR MATERIALS AND COLORS
 3/10/2021

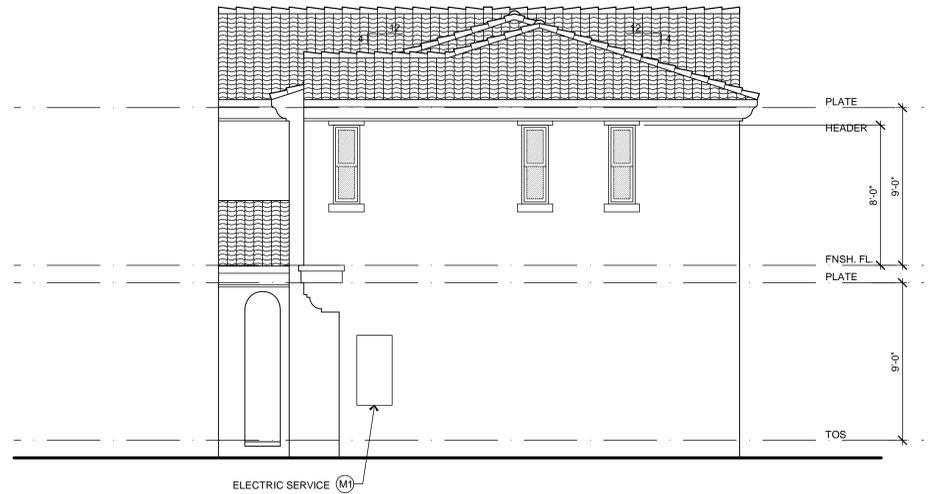
	SCHEME 1	SCHEME 2
CONCRETE ROOF TILE	R1 EAGLE TILE CAPISTRANO PROFILE 3124 HILO SUNSET	R1 EAGLE TILE CAPISTRANO PROFILE 3814 PABLO BLEND
MASONRY VENEER	NONE	NONE
STUCCO FIELD	S1 LA HABRA SAND FINISH PACIFIC SAND	S1 LA HABRA SAND FINISH MEADOWBROOK
STUCCO TRIM	S2 LA HABRA SAND FINISH CRYSTAL WHITE	S2 LA HABRA SAND FINISH MIRAGE
STUCCO CORNICE	S3 LA HABRA SAND FINISH PACIFIC SAND	S3 LA HABRA SAND FINISH MEADOWBROOK
STUCCO CORBEL/TRIM	S4 LA HABRA SAND FINISH PACIFIC SAND	S4 LA HABRA SAND FINISH MEADOWBROOK
CEMENT BOARD	NONE	NONE
EXPOSED WOOD	NONE	NONE
WINDOWS & PATIO DOORS	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2 PAINT FINISH KILZ TONKA BEAN	D2 PAINT FINISH KILZ COFFEE GROUNDS
ENTRY DOOR/ACCENT	D3 PAINT FINISH KILZ IRON MEDALLION (BLUE GREY)	D3 PAINT FINISH KILZ GARDEN POND (AQUA)
WOOD DOOR & FRAME	D4 PAINT FINISH KILZ TONKA BEAN	D4 PAINT FINISH KILZ COFFEE GROUNDS
MISCELLANEOUS	M1 PAINT FINISH MATCH ADJACENT SURFACE	M1 PAINT FINISH MATCH ADJACENT SURFACE
FALSE GABLE VENTS	M5 IMITATION SEWER TILE MATCH ROOF	M5 IMITATION SEWER TILE MATCH ROOF
ACCENT TILE	M6 PORCELAIN TILE CATALINA DESIGNS - MARINA	M6 PORCELAIN TILE CATALINA DESIGNS - AQUA



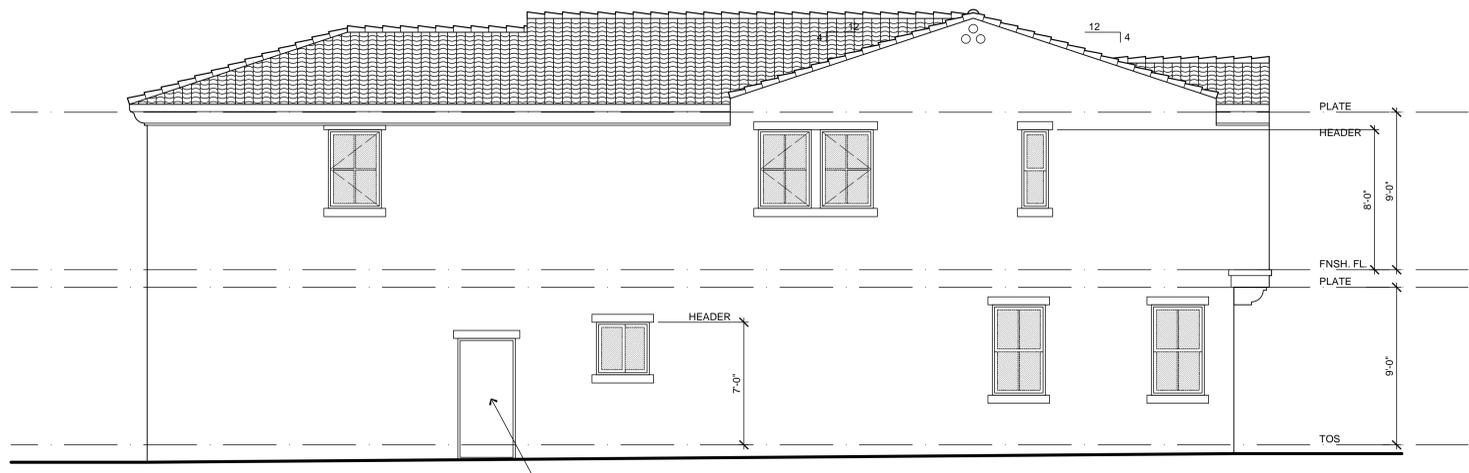
ACCENT TILE
 CATALINA DESIGNS



PLAN D-III - SPANISH FRONT
 ENHANCED ELEVATION



PLAN D-III - SPANISH RIGHT



PLAN D-III - SPANISH REAR



PLAN D-III - SPANISH LEFT (PATIO)

PLAN D-III SPANISH ELEVATIONS
 SCALE: 1/4"=1'-0"

UNIT NUMBERS
 6, 16, 23 & 33

PLAN D-III

RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

PLAN D-III
 SPANISH ELEVATIONS

AUGUST 18, 2021

JOB NO.: 18-126

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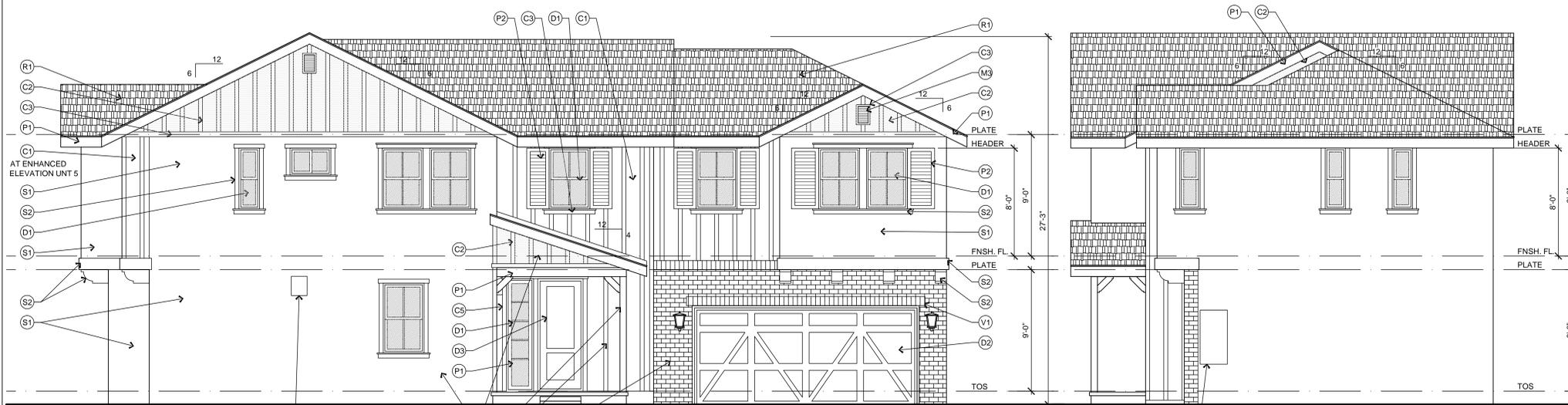
RESIDENTIAL CLUSTER DEVELOPMENT

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

CHINO AVENUE, LLC

IV - FARMHOUSE
EXTERIOR MATERIALS AND COLORS
 3/19/2021

	SCHEME 1	SCHEME 2
CONCRETE ROOF TILE	R1 EAGLE TILE DIE SAGLE PONDEROSA PROFILE 49595 DARK CHARCOAL	R1 EAGLE TILE PONDEROSA PROFILE 5602 CONCORD BLEND
MASONRY VENEER	V1 HEBRON BRICK CASTLEWOOD	V1 HEBRON BRICK CASCADE
STUCCO FIELD	S1 LA HABRA SAND FINISH CHARLESTON	S1 LA HABRA SAND FINISH MIAMI PEACH
STUCCO TRIM	S2 LA HABRA SAND FINISH SILVERADO	S2 LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1 JAMES HARDIE HARDIE PANEL EVENING BLUE	C1 JAMES HARDIE HARDIE PANEL BOOTHBAY BLUE
CEMENT BOARD VERTICAL SIDING	C2 JAMES HARDIE HARDIE PANEL AGED PEWTER	C2 JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C3 JAMES HARDIE HARDIE PLANK AGED PEWTER	C3 JAMES HARDIE HARDIE PLANK ARCTIC WHITE
EXPOSED WOOD	P1 PAINT FINISH TO MATCH ARCTIC WHITE	P1 PAINT FINISH TO MATCH ARCTIC WHITE
WOOD SHUTTERS	P2 PAINT FINISH KILZ OCTOBER MIST	P2 PAINT FINISH KILZ WHITE WING
WINDOWS & PATIO DOORS	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1 MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2 PAINT FINISH KILZ OCTOBER MIST	D2 PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3 PAINT FINISH KILZ PERUSSIAN BLUE	D3 PAINT FINISH KILZ TOASTED POPPYSEED
WOOD DOOR & FRAME	D4 PAINT FINISH KILZ OCTOBER MIST	D4 PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1 PAINT FINISH MATCH ADJACENT SURFACE	M1 PAINT FINISH MATCH ADJACENT SURFACE
GABLE VENTS	M3 PAINT FINISH MATCH ADJACENT SURFACE	M3 PAINT FINISH MATCH ADJACENT SURFACE



PLAN D-IV - FARMHOUSE FRONT
 ENHANCED ELEVATION

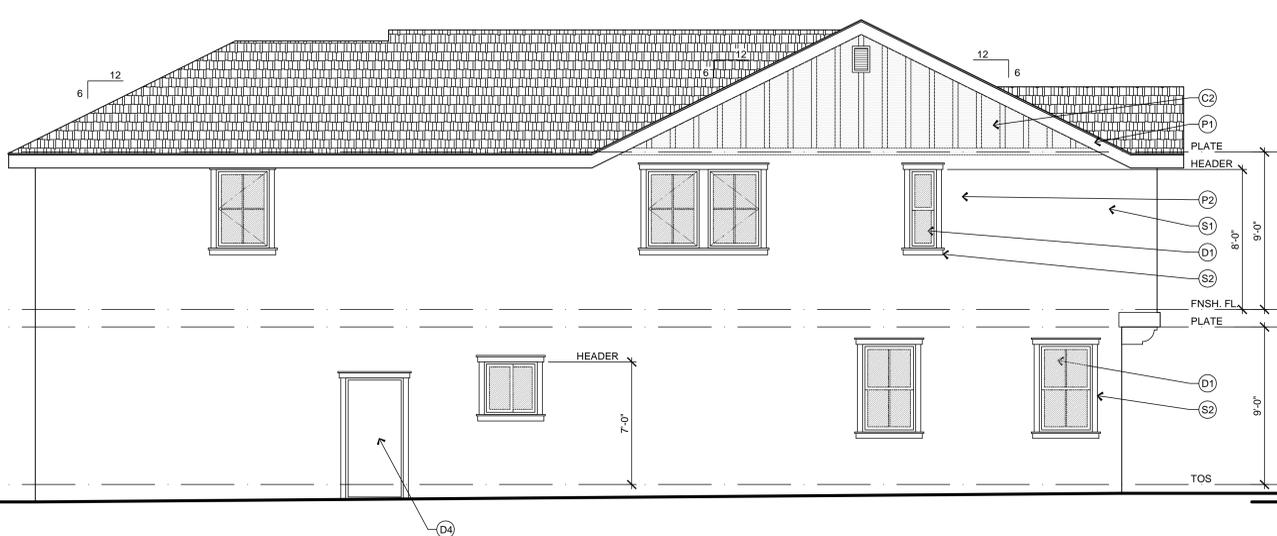
PLAN D-IV - FARMHOUSE RIGHT



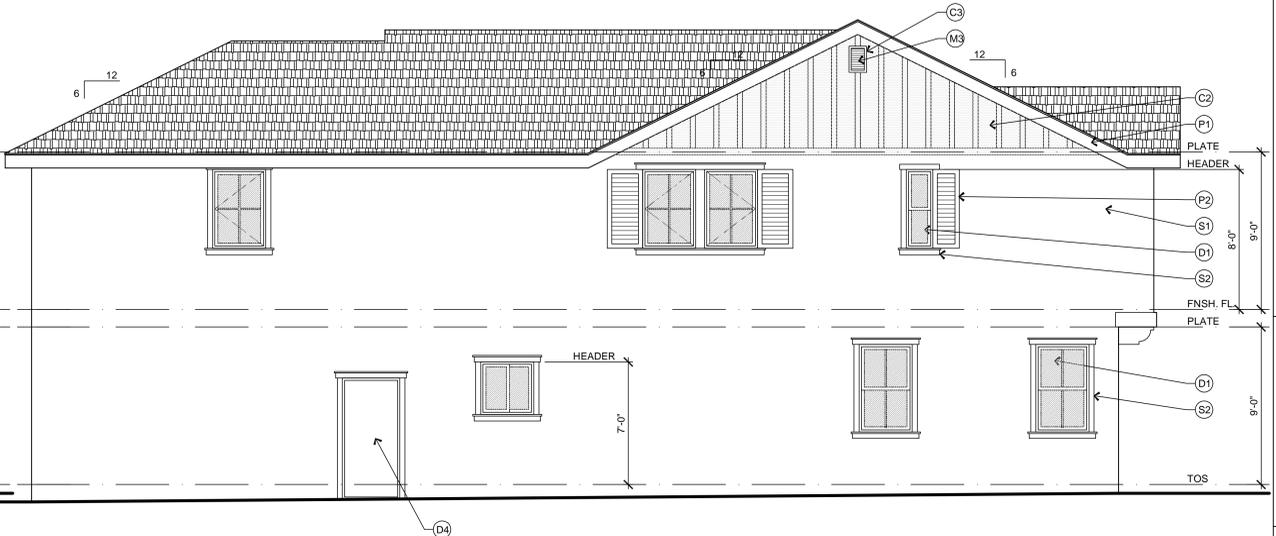
PLAN D-IV - FARMHOUSE LEFT (PATIO)



PLAN D-IV - FARMHOUSE LEFT (PATIO)
 UNIT 5 ENHANCED ELEVATION



PLAN D-IV - FARMHOUSE REAR
 UNITS 15, 22 & 32



PLAN D-IV - FARMHOUSE REAR
 UNIT 5 ENHANCED ELEVATION

PLAN D-IV FARMHOUSE ELEVATIONS

PLAN D-IV FARMHOUSE ELEVATIONS
 SCALE: 1/4"=1'-0"

UNIT NUMBERS
 5, 15, 22 & 32

PLAN D-IV

AUGUST 18, 2021

JOB NO.: 18-126

A-D4.3
 SHEET OF

**RESIDENTIAL CLUSTER
 DEVELOPMENT**

9510 CHINO AVENUE
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO, CA

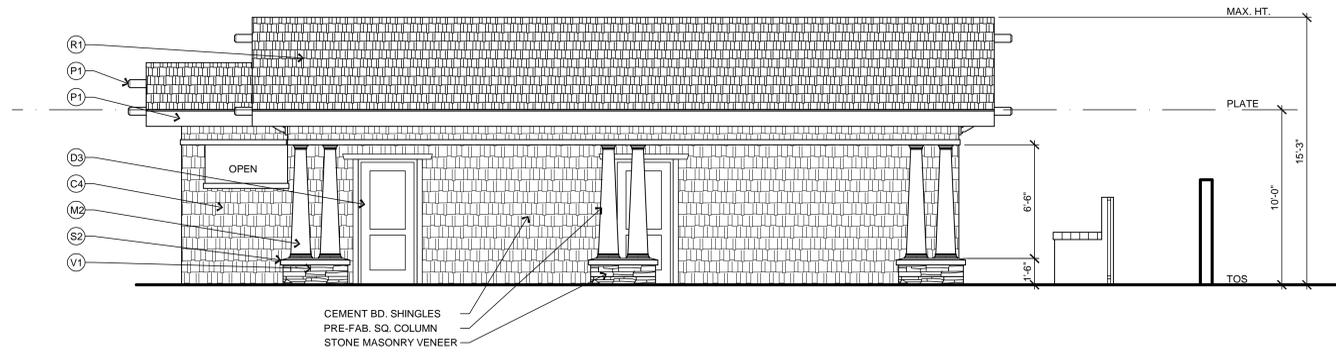
CHINO AVENUE, LLC

**I - BUNGALOW
 EXTERIOR MATERIALS AND COLORS**
 3/19/2021

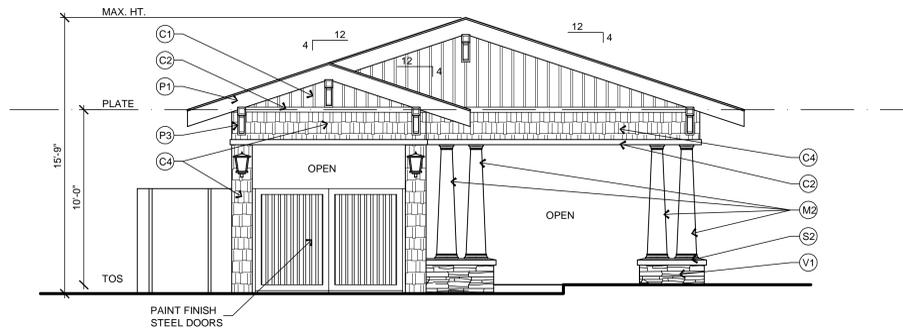
	SCHEME 1		SCHEME 2	
CONCRETE ROOF TILE	R1	EAGLE TILE PONDEROSA PROFILE 5557 LIVE OAK	R1	EAGLE TILE DRL EAGLE PONDEROSA PROFILE 5099 CHARCOAL RANGE
MASONRY VENEER	V1	HEBRON BRICK BRICK DAKOTA COMMON	V1	CREATIVE MINES CRAFT PEAK LEDGESTONE TIMBERWOLF
STUCCO FIELD	S1	LA HABRA SAND FINISH SOUTHERN MOSS	S1	LA HABRA SAND FINISH ASPEN
STUCCO TRIM	S2	LA HABRA SAND FINISH MIRAGE	S2	LA HABRA SAND FINISH DOVE GREY
CEMENT BOARD VERTICAL SIDING	C1	ALLURA TRADITIONAL CEDAR LINEN	C1	JAMES HARDIE HARDIE PANEL ARCTIC WHITE
CEMENT BOARD TRIM	C2	ALLURA FIBER CEMENT BOARD DESERT TAN	C2	JAMES HARDIE HARDIE PLANK ARCTIC WHITE
CEMENT BOARD SHINGLE SIDING	C3	ALLURA SHAKE-RANDOM SQUARE-STRT AUTUMN RED	C3	JAMES HARDIE HARDIE SHINGLE MOUNTAIN SAGE
CEMENT BOARD	C4	ALLURA SHAKE-RANDOM SQUARE-STRT LINEN	C4	JAMES HARDIE HARDIE SHINGLE NAVAJO BEIGE
EXPOSED WOOD	P1	PAINT FINISH KILZ ANTIQUE WHITE	P1	PAINT FINISH KILZ WHITE
WOOD SHUTTERS	P2	NONE	P2	NONE
OUTLOOKERS	P3	PAINT FINISH KILZ ANTIQUE WHITE	P3	PAINT FINISH KILZ WHITE
WOOD PLANT SHELF	P4	PAINT FINISH KILZ ANTIQUE WHITE	P4	PAINT FINISH KILZ WHITE
WINDOWS & PATIO DOORS	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE	D1	MILGARD TUSCANY SERIES VINYL FACTORY FINISH WHITE
GARAGE DOOR	D2	PAINT FINISH KILZ RANCH HOUSE	D2	PAINT FINISH KILZ WHITE
ENTRY DOOR/ACCENT	D3	PAINT FINISH KILZ BOHEMIAN WHITE	D3	PAINT FINISH KILZ JUNE MOSS
WOOD DOOR & FRAME	D4	PAINT FINISH KILZ RANCH HOUSE	D4	PAINT FINISH KILZ WHITE
MISCELLANEOUS	M1	PAINT FINISH MATCH ADJACENT SURFACE	M1	PAINT FINISH MATCH ADJACENT SURFACE
PREFAB COLUMNS	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL	M2	ENDURA-CRAFT PVC SQUARE TAPERED PLAIN SHAFT PRAIRIE CAPITAL



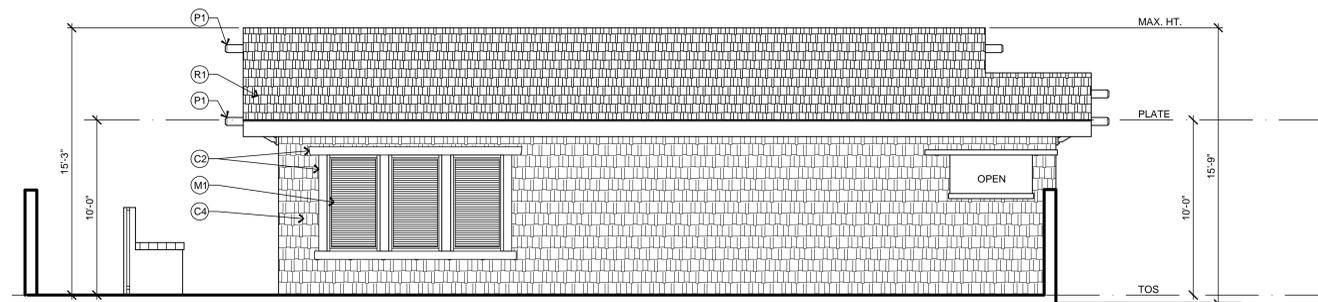
TYPICAL COLUMN



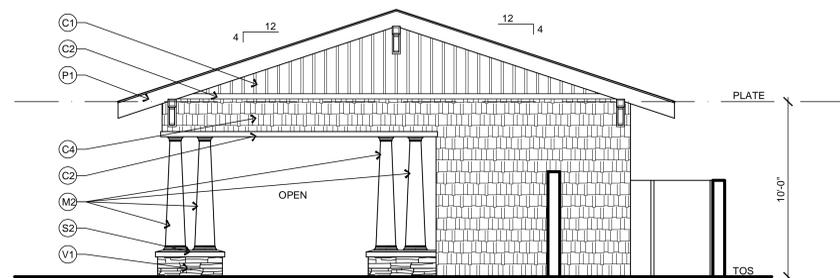
CABANA EAST ELEVATION
 SCALE: 1/4"=1'-0"



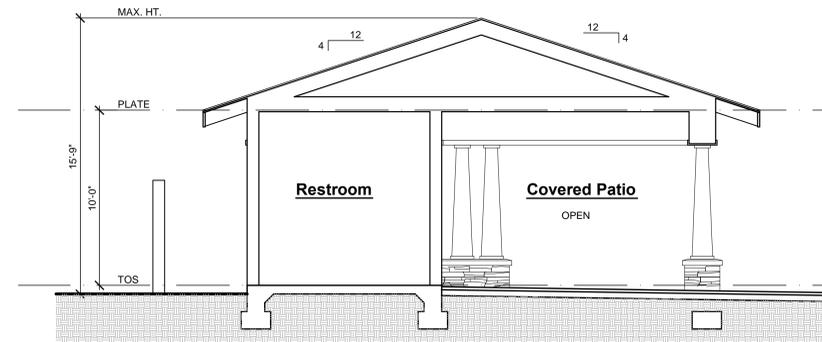
CABANA SOUTH ELEVATION
 SCALE: 1/4"=1'-0"



CABANA WEST ELEVATION
 SCALE: 1/4"=1'-0"



CABANA NORTH ELEVATION
 SCALE: 1/4"=1'-0"



CABANA SECTION
 SCALE: 1/4"=1'-0"

COMMON AREA

CABANA
 ELEVATIONS & SECTIONS

AUGUST 18, 2021

JOB NO.:18-126

A-E3
 SHEET OF

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT19-008, A TENTATIVE TRACT MAP (NO. 20281) TO SUBDIVIDE 4.79 ACRES OF LAND INTO 37 NUMBERED LOTS AND ONE COMMON LETTERED LOT TO FACILITATE THE DEVELOPMENT OF 37 DWELLING UNITS AND AN ASSOCIATED RECREATION FACILITY, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-111-56.

WHEREAS, CHINO AVENUE, LLC ("Applicant") has filed an Application for the approval of a Tentative Tract Map (No. 20281), File No. PMTT19-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.79 acres of land located at 9510 East Chino Avenue within Neighborhood 3A land use district of the Countryside Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Neighborhood 3A (Cluster Court 2) land use district of the Countryside Specific Plan and is developed with single-family dwellings. The property to the east is within the Neighborhood 4 (RD 5,000) land use district of the Countryside Specific Plan and is developed with single-family dwellings. The property to the south is within the Neighborhood 5 (Z-lot) land use district of the Countryside Specific Plan zoning district and is vacant. The property to the west is within the Neighborhood 3 (RD-5,000) land use district of the Countryside Specific Plan and is developed with single-family dwellings; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was adopted by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on October 18, 2021, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB21-051, recommending the Planning Commission approve the Application; and

WHEREAS, on October 26, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (37 for the project site, 819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element) specified in the Available Land Inventory.

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

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

(1) ***The proposed Tentative Tract Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density (2.1-5 du/ac) land use district of the Policy Plan Land Use Map, and the Neighborhood 3A land use district of the Countryside Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density (2.1-5 du/ac) land use district of the Policy Plan Land Use Map, and the Neighborhood 3A land use district of the Countryside Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity, and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and

- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Neighborhood 3A land use district of the Countryside Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density of development proposed.*** The project site is proposed for residential development at a density of 7.72 DUs/acre (gross). The project site meets the minimum lot area and dimensions of the Neighborhood 3A land use district of the Countryside Specific Plan, and is physically suitable for this proposed density of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the residential improvements proposed on the project site, are not likely to cause serious public health problems, as The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans

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

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

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

SECTION 8: 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 9: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT19-008
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 9/27/2021
File No: PMTT19-008
Related Files: PDEV19-023, PSPA19-001, PDA21-003

Project Description: A Tentative Tract Map (TTM 20281) to subdivide 4.79 acres of land into 37 numbered lots and one common lettered lot, for property located at 9510 East Chino Avenue, within the proposed Neighborhood 3A land use district of the Countryside Specific Plan; (APN 0218-111-56); submitted by Chino Avenue, LLC.

Prepared By: Alexis Vaughn, Assistant Planner
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

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

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

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

2.1 Time Limits.

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

2.2 Subdivision Map.

(a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) The subject Tentative Tract Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract Map and CC&Rs.

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

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

(a) The final entitlement files shall be submitted to the City within 30 days of project approval and shall accommodate the items listed below. No grading or construction permits shall be released without satisfactory provision of the required modifications to the entitlement plans:

(i) All plan sets, including but not limited to the architectural site plan, landscape plans, wall and fence plans, conceptual grading plans, tentative tract map and Development Agreement plans, shall be coordinated for consistency across all documents.

(b) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

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

2.5 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the homeowners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;
(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and
(iv) Utility and drainage easements.

(d) CC&Rs shall specify that all garages shall be permanently maintained for off-street parking purposes, accommodating two motor vehicle parking spaces, each measuring 10 feet wide by 20 feet long.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

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

2.6 Disclosure Statements.

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

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

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

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

2.7 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was previously adopted by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act ("CEQA")" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

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

2.9 Additional Fees.

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

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

(c) At the time of CC&R submittal for review and approval, the CC&R fee shall be paid at the rate established by resolution of the City Council.

2.10 Additional Requirements.

(a) Approval of the Tentative Tract Map (PMTT19-008) is contingent on approval of related files PDEV19-023, PSPA19-001, and PDA21-003.

(b) Final sets of plans shall be provided after project approval per the directions to be provided by the Planning Department.

(c) All conditions of approval from all other City agencies and departments shall be complied with.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: May 8, 2019

SUBJECT: PDEV19-023 - A Development Plan to construct 37 single-family dwellings on 4.79 acres of land located at 9510 East Chino Avenue, within the Neighborhood 3 land use district of the Countryside Specific Plan (APN: 0218-111-56). Related Files: PSPA19-001 and PMTT19-008

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

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Varies
- D. Number of Stories: 2
- E. Total Square Footage: Varies 2,502 to 2,669 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): R

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

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

4.0 FIRE PROTECTION SYSTEMS

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

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.

- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 22, 2019
SUBJECT: PDEV19-023

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lr



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Douglas Sorel, Police Department

DATE: May 8, 2019

SUBJECT: PDEV19-023 – A DEVELOPMENT PLAN TO CONSTRUCT 37 SINGLE FAMILY DWELLINGS AT 4.79 ACRES OF LAND AT 9510 CHINO AVE.

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

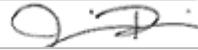
- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor at the prescribed foot-candle levels. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

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

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

CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

04/19/2021

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PDEV19-023 Rev3

Case Planner:

Alexis Vaughn

Project Name and Location:

Countryside Clusters SFD Neighborhood 3
 9510 East Chino Ave

Applicant/Representative:

Chino Ave LLC, 122 Westdesign/ KWC Engineers
 12223 Highland Ave ste 106-553
 Rancho Cucamonga



Preliminary Plans (dated 4/6/21) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.



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

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

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

landscapeplancheck@ontarioca.gov

Civil/ Site Plans **(civil plans were not submitted)**

1. Lot C; provide detail for the stormwater system that is proposed.
2. Storm water infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division prior to permit issuance. Any storm water devices in parkway areas shall not displace street trees.
3. Show backflow devices set back 4' from paving all sides. Locate on level grade.
4. Provide appropriate space for landscape screening for the transformer on Chino Avenue.
5. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
6. Typical lot drainage shall include a catch basin with gravel sump below each before exiting property.
7. Add Note to Grading Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.

Landscape Plans

8. Note decorative paving for all motor courts including the lots facing the parking rows aisles.
9. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
10. DG trails and parkways at corners (Colonial and Riverside) shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities.
11. Provide appropriate screening for the transformer on Chino Avenue. Transformers shall be screened on 3 sides with 3' high screening shrubs and 18" groundcover in fronts. If transformer is existing; ok to end the multipurpose trail right before the transformer to allow for appropriate screening.
12. Shrubs shall be five-gallon container size min. and are to be spaced max. 2/3 of mature size. One-gallon containers may be used for perennials and groundcovers.
13. Replace invasive, high water using, short lived, high maintenance or poor performing plants: Cistus (has not been performing well in Ontario Ranch; consider Salvia. Use Geranium as an accent at corners only).
14. CD plans shall include a stub-out for future back yard irrigation systems.
15. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
16. Provide phasing map for multi-phase projects.
17. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-022

Address: 1650 South Vineyard Ave

APN: 0113-394-31

Existing Land Use: Vacant

Proposed Land Use: Development Plan to construct 37 SF homes; TTM to subdivide 4.79 acres into 37 no. lots an 1 lettered lot; Countryside SPA to establish LU & development standards

Site Acreage: 4.79 acres Proposed Structure Height: 30 FT

ONT-IAC Project Review: Yes

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Henry Noh

Date: 7/25/19

CD No.: 2019-033

PALU No.: _____

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 ft +</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2019-033
PALU No.: _____

PROJECT CONDITIONS

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

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



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> TRACT MAP
PROJECT FILE NO. TM 20281 RELATED FILE NO(S). PMTT19-008, PDEV19-023		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__		

CITY PROJECT ENGINEER & PHONE NO: Michael Bhatanawin, P.E. (909) 395-2130

CITY PROJECT PLANNER & PHONE NO: Alexis Vaughn (909) 395-2416

DAB MEETING DATE: October 18, 2021

PROJECT NAME / DESCRIPTION: TM-20281, a Tentative Tract Map to subdivide 4.79 acres of land into 37 lots within the Neighborhood 3 land use district of the Countryside Specific Plan

LOCATION: 9510 East Chino Avenue

APPLICANT: Chino Avenue, LLC

REVIEWED BY: Raymond Lee 10/17/21
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: Khoi Do 10-12-21
 Khoi Do, P.E. Date
 City Engineer



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

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - A. An additional 18 feet from the ultimate right-of-way along the project frontage on the north side of Chino Ave for a 30 feet neighborhood edge
 - B. Colonial Ave to the ultimate full street right-of-way width of 60 feet from Chino Ave to TM 16045 limits
 - C. East Barnvelder Ct to the ultimate full street right-of-way width of 60 feet from Colonial Ave to TM 18810 limits

Property line corner 'cut-back' required at the intersection of:

 - A. Colonial Ave & Chino Ave
 - B. Colonial Ave & East Barnvelder Ct
- 1.02 Dedicate to the City of Ontario, the following easement(s):
 - A. 24 feet wide easement for emergency access purposes over all private alleys
 - B. 34 feet wide easement for public utility purposes over all private alleys
- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s):
 - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.
- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.



- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Financial Services Department at (909) 395-2124 regarding this requirement.
- (1) _____
- (2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 1.13 Ontario Ranch Developments:
- 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
- 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
- 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions:
- A. The Tract Map shall comply with the approved Countryside Specific Plan, the Development Agreement, the Conditions of Approval for Tentative Tract Map No. 20281 and the Conditions of Approval for this Tentative Tract Map.
- B. Applicant/developer shall obtain all off-site right-of-way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.

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

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

- 2.01 Record Tract Map No. 20281 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.



- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a:
 - Certificate of Compliance with a Record of Survey;
 - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____
 and _____
- 2.11 Dedicate to the City of Ontario the following easement(s): _____



- 2.12 Vacate the following street(s) and/or easement(s):
 - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.

- 2.13 **Ontario Ranch Developments:**
 - 1) **Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.**
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) **Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.**

- 2.14 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at _____% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

- 2.15 **The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.**

- 2.16 **Pay all Development Impact Fees (DIF) to the Building Department. Final fee shall be determined based on the approved site plan.**

- 2.17 Other conditions: _____



B. PUBLIC IMPROVEMENTS

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

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

Improvement	Chino Ave	East Barnvelder Ct (A)	Colonial Ave (B)	All Alleys (Private)
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 20 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (C)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (D)	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (west side ONLY) <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) <input checked="" type="checkbox"/> Neighborhood edge (w/irrigation) <input checked="" type="checkbox"/> Multi-purpose trail	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



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

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

- A. Both north and south sides from Colonial Ave to TM 18810 limits
- B. Both west and east sides from Chino Ave to TM 16045 limits, unless otherwise noted.



- C. This includes but is not limited to, removing existing fence and guard rail at northerly tract boundary and transitioning to existing street improvements for TM 16045.
- D. This includes but is not limited to, removing existing fence and guard rail at easterly tract boundary and transitioning to existing street improvements for TM 18810.
- E. Cutting into Chino Ave for any proposed utility connections and street improvements will required grind and overlay to the satisfaction of the City Engineer. The limits of the pavement grind and overlay will be determined during the submittal and review of the improvement plans.
- F. All master planned utilities and infrastructure shall be designed and installed to the ultimate condition

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions:
 - A. The applicant/developer shall be responsible to reimburse the developer of TM 18810 (KB Homes) for its share of the public improvements that have been constructed by KB Homes along the project frontage of Chino Ave and have been accepted by the City. Submit proof of payment and provide a written acknowledgment from KB Homes stating that they have received said payment.

C. SEWER

- 2.23 A 8 inch sewer main is available for connection by this project in East Barnvelder Ct. (Ref: Sewer plan bar code: S16288)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions:
 - A. Internal Sanitation Sewer: Installing 8" public sanitation sewer:
 - i. Along East Barnvelder Court from the point of connection from Tract 18810 to Colonial Ave
 - ii. Along Colonial Avenue from Lot "E" to Lot "H"
 - iii. Along the alleys (Lot "E" to Lot "H")

D. WATER

- 2.27 A 8 inch water main is available for connection by this project in Colonial Ave (Ref: Water plan bar code: W16407)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.



- 2.29 Other conditions:**
- A. Internal Potable Water System: Installing 8" public potable waterlines:**
 - i. Along Colonial Avenue between existing points of connection at East Barnvelde Court and north of Tract 20281 Boundary (adjacent Tract 16045).
 - ii. Along the alleys (Lot "E" to Lot "H")
 - B. Park & Pool Area Potable Water Service: Install a separate potable water service, water meter and backflow preventer for Pool Area (Lot A).**
 - C. Existing Well Abandonment: Prior to issuance of any grading permits the existing ground water well along the westerly boundary of TTM-20281 must be abandoned per county and state requirements.**

E. RECYCLED WATER

- 2.30 A 8 inch recycled water main is available for connection by this project in Chino Ave. (Ref: Recycled Water plan bar code: P11680)**
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.**
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.**
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.

- 2.34 Other conditions:**
- A. Internal Recycled Water System: Install 8" recycled water main and applicable services connecting to the existing recycled water main in Chino Avenue into the tract to serve the site.**
 - B. Private Recycled Water System: All recycled water for irrigation purposes (park and onsite landscaping) must be private and privately maintained and taken from the public recycled water system through a service with a meter.**
 - C. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation. This also includes:**
 - i. Separate recycled water irrigation services for each building's private landscape areas.
 - ii. Separate recycled water irrigation services for the City maintained neighborhood edges and medians.

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:**
- 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.**
- 2.37 Other conditions:**
- A. Design and construct the traffic signal at Chino Ave and Colonial Ave/Starling Ave, if**



TM 17449 has not installed these improvements at the time of development. The Applicant/Developer is eligible for 50% of the improvement costs (including design and construction) of this signal. If the developer of TM 17449 has constructed this signal at the time of this development, the Applicant/Developer shall reimburse the developer of TM 17449 for 50% of the improvement costs (including design and construction) of the signal.

- B. Proposed Colonial Ave shall align with the existing Colonial Ave to the north of the development.
- C. Curb return radius shall be designed and constructed in accordance with City Standard Drawing No. 1106. Corner cut-backs shall be dedicated per Standard Drawing No. 1301.
- D. Design and construct in-fill public street lights along its project frontages of Chino Ave and Colonial Ave. Street lighting shall be LED-type and in accordance with the City's Traffic and Transportation Design Guidelines.
- E. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- F. Property frontage along Chino Ave shall be signed "No Parking Anytime".
- G. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting signing/stripping and/or street lighting design.
- H. Install a choker and ramp at the NWC of Colonial Avenue and the street on Lot F and a ramp on the east side of Colonial Avenue at the termination of the pedestrian path, in accordance with City Standard Drawing No. 1110.

G. DRAINAGE / HYDROLOGY

- 2.38 A 48 inch storm drain main is available to accept flows from this project in Chino Ave. (Ref: Storm Drain plan bar code: D14109)
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions:
 - A. Install a 24" storm drain line on Colonial Ave from Chino Ave to private alley on Lot "H"



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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
 If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
 Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: _____

J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.50 **A fiber optic line is available for connection by this project in Chino Ave. (Ref: Fiber Optic plan bar code: O10484)**
- 2.51 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Limits of work are generally located along the project frontages of Chino Ave, Colonial Ave and all private alleys. The nearest OntarioNet hand hole is located on the north side of Chino Ave approximately 337 ft. east of Kinglet Ave.**
- 2.52 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.**



L. INTEGRATED WASTE

- 2.53 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.54 Other conditions:
 - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of Ontario Municipal Utilities Company

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

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

4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

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



4.04 **Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.**



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PMTT19-008, PDEV19-023, and/or Tract Map No. 20281

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

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



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

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV19-023, A DEVELOPMENT PLAN TO CONSTRUCT 37 DWELLING UNITS AND ASSOCIATED RECREATION FACILITY, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-111-56.

WHEREAS, Chino Avenue, LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV19-023, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.79 acres of land located at 9510 East Chino Avenue within the Neighborhood 3A land use district of the Countryside Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Neighborhood 3A (Cluster Court 2) land use district of the Countryside Specific Plan and is developed with single-family dwellings. The property to the east is within the Neighborhood 4 (RD 5,000) land use district of the Countryside Specific Plan and is developed with single-family dwellings. The property to the south is within the Neighborhood 5 (Z-lot) land use district of the Countryside Specific Plan zoning district and is vacant. The property to the west is within the Neighborhood 3 (RD-5,000) land use district of the Countryside Specific Plan and is developed with single-family dwellings; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was adopted by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on October 18, 2021, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB21-052, recommending the Planning Commission approve the Application; and

WHEREAS, on October 26, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an

Environmental Impact Report (State Clearinghouse No. 2004071001) was adopted by the City Council on April 18, 2006; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (37 for the project site, 819 specified in the Housing Element) and density (7.7 du/ac gross for the project site; 5-9 du/ac specified in the Housing Element) specified in the Available Land Inventory.

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

SECTION 5: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing,

and upon the specific findings set forth in Section 1 through 4, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Low Density (2.1-5 du/ac) land use district of the Policy Plan Land Use Map, and the Neighborhood 3A land use district of the Countryside Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Construction of the Project will complete the residential neighborhood north of Chino Avenue and eliminate an unsightly vacant lot; and

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the Neighborhood 3A land use district of the Countryside Specific Plan, including standards relative to the particular land use proposed (residential), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions. Construction of the Project will complete the residential neighborhood north of Chino Avenue and eliminate an unsightly vacant lot; and

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Countryside Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Countryside Specific Plan. Construction of the Project will complete the residential neighborhood north of Chino Avenue and eliminate an unsightly vacant lot; and

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the

Countryside Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (residential). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Countryside Specific Plan.

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

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

SECTION 8: 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 9: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October, 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV19-023
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

Date Prepared: 9/27/2021
File No: PDEV19-023
Related Files: PMTT19-008, PSPA19-001, PDA21-003

Project Description: A Development Plan to construct 37 dwelling units and an associated recreation facility, for property located at 9510 East Chino Avenue, within the proposed Neighborhood 3A land use district of the Countryside Specific Plan; (APN 0218-111-56:); submitted by Chino Avenue, LLC.

Prepared By: Alexis Vaughn, Assistant Planner
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

(a) The final entitlement files shall be submitted to the City within 30 days of project approval and shall accommodate the items listed below. No grading or construction permits shall be released without satisfactory provision of the required modifications to the entitlement plans:

(i) All plan sets, including but not limited to the architectural site plan, landscape plans, wall and fence plans, conceptual grading plans, tentative tract map and Development Agreement plans, shall be coordinated for consistency across all documents.

(ii) The landscape plans shall call out decorative paving at the drive aisles, not asphalt. Colors and materials shall be provided (note, natural gray is not permitted). All other documents shall be coordinated for consistency as needed.

(iii) A site plan showing HOA versus private maintenance of yards, landscape, hardscape, and public areas shall be provided within the landscape plan set.

(iv) Wall heights in the details tables as well as in the call-outs and sections shall be updated across all documents to reflect the standards listed in the Walls and Fences section below.

(v) Call out the difference between the regular and enhanced rear elevations for Plan B-III, and anywhere else that applies.

(b) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

2.3 Landscaping.

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

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

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

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

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

(a) All tract walls shall be six feet in height and constructed of decorative material on the public side to match those of adjacent tracts, with a decorative cap. Interior walls (privacy walls) not visible from the public may be 5'-6" in height and may be constructed of precision block, with a decorative cap.

(b) Decorative pilasters shall be provided at the southwest corner of the property, between homes along Colonial Avenue, and along Chino Avenue, and shall match the adjacent tracts' walls and pilasters.

2.5 Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

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

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

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

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Site Lighting.

(a) Lighting shall be provided throughout the site to allow for safe pedestrian and vehicular navigation.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

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

2.8 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and the Countryside Specific Plan. Per Exhibit 11 of the Countryside Specific Plan (page 3.24), neighborhood entry monumentation shall be provided. Signs shall be reviewed through the Sign Plan Application and Building Department plan check processes.

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

2.10 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the homeowners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;
(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and

(iv) Utility and drainage easements.

(d) CC&Rs shall specify that all garages shall be permanently maintained for off-street parking purposes, accommodating two motor vehicle parking spaces, each measuring 10 feet wide by 20 feet long.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

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

2.11 Disclosure Statements.

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

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

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

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

2.12 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP04-001, the Countryside Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2004071001) was previously adopted by the City Council on April 18, 2006. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act ("CEQA")" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be further disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

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

2.14 Additional Fees.

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

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

2.15 Additional Requirements.

(a) The site shall maintain hydrant placement to the satisfaction of the Fire Department.

(b) Approval of the Development Plan (PDEV19-023) is contingent on approval of related files PMTT19-008, PSPA19-001, and PDA21-003.

(c) The Colors and Materials package shall be updated to provide more contrast between the stucco trim "Mirage" and stucco field "Meadowbrook" colors, subject to Planning Department review and approval. As shown, the two colors are too similar, and no texture change has been indicated in the architectural plan set. Smooth trowel finish may be provided for the stucco trim as desired; however, the colors shall be updated.

(d) Final sets of plans shall be provided after project approval per the directions to be provided by the Planning Department.

(e) Final project details, including but not limited to, architecture, grading, landscaping, and recreation facilities shall be subject to review and approval as part of the Plan Check process.

(f) The model sales office shall require review and approval of a Temporary Use Permit, to be submitted prior to Planning approval of building plan checks pertaining to model sales units.

(g) All conditions of approval from all other City agencies and departments shall be complied with.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: May 8, 2019

SUBJECT: PDEV19-023 - A Development Plan to construct 37 single-family dwellings on 4.79 acres of land located at 9510 East Chino Avenue, within the Neighborhood 3 land use district of the Countryside Specific Plan (APN: 0218-111-56). Related Files: PSPA19-001 and PMTT19-008

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

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Varies
- D. Number of Stories: 2
- E. Total Square Footage: Varies 2,502 to 2,669 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): R

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

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

4.0 FIRE PROTECTION SYSTEMS

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

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.

- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 22, 2019
SUBJECT: PDEV19-023

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lr



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Douglas Sorel, Police Department

DATE: May 8, 2019

SUBJECT: PDEV19-023 – A DEVELOPMENT PLAN TO CONSTRUCT 37 SINGLE FAMILY DWELLINGS AT 4.79 ACRES OF LAND AT 9510 CHINO AVE.

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

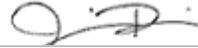
- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor at the prescribed foot-candle levels. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

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

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

CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

04/19/2021

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PDEV19-023 Rev3

Case Planner:

Alexis Vaughn

Project Name and Location:

Countryside Clusters SFD Neighborhood 3
 9510 East Chino Ave

Applicant/Representative:

Chino Ave LLC, 122 Westdesign/ KWC Engineers
 12223 Highland Ave ste 106-553
 Rancho Cucamonga



Preliminary Plans (dated 4/6/21) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.



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

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

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

landscapeplancheck@ontarioca.gov

Civil/ Site Plans **(civil plans were not submitted)**

1. Lot C; provide detail for the stormwater system that is proposed.
2. Storm water infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division prior to permit issuance. Any storm water devices in parkway areas shall not displace street trees.
3. Show backflow devices set back 4' from paving all sides. Locate on level grade.
4. Provide appropriate space for landscape screening for the transformer on Chino Avenue.
5. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
6. Typical lot drainage shall include a catch basin with gravel sump below each before exiting property.
7. Add Note to Grading Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.

Landscape Plans

8. Note decorative paving for all motor courts including the lots facing the parking rows aisles.
9. Corners; verify dimension and grade for required monumentation (see Specific Plan for detail). Adjacent walls shall not interfere with required monumentation.
10. DG trails and parkways at corners (Colonial and Riverside) shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities.
11. Provide appropriate screening for the transformer on Chino Avenue. Transformers shall be screened on 3 sides with 3' high screening shrubs and 18" groundcover in fronts. If transformer is existing; ok to end the multipurpose trail right before the transformer to allow for appropriate screening.
12. Shrubs shall be five-gallon container size min. and are to be spaced max. 2/3 of mature size. One-gallon containers may be used for perennials and groundcovers.
13. Replace invasive, high water using, short lived, high maintenance or poor performing plants: Cistus (has not been performing well in Ontario Ranch; consider Salvia. Use Geranium as an accent at corners only).
14. CD plans shall include a stub-out for future back yard irrigation systems.
15. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
16. Provide phasing map for multi-phase projects.
17. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-022

Address: 1650 South Vineyard Ave

APN: 0113-394-31

Existing Land Use: Vacant

Proposed Land Use: Development Plan to construct 37 SF homes; TTM to subdivide 4.79 acres into 37 no. lots an 1 lettered lot; Countryside SPA to establish LU & development standards

Site Acreage: 4.79 acres Proposed Structure Height: 30 FT

ONT-IAC Project Review: Yes

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Henry Noh

Date: 7/25/19

CD No.: 2019-033

PALU No.: _____

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 ft +</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2019-033
PALU No.: _____

PROJECT CONDITIONS

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

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



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP	<input checked="" type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. TM 20281 RELATED FILE NO(S). PMTT19-008, PDEV19-023		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__		

CITY PROJECT ENGINEER & PHONE NO: Michael Bhatanawin, P.E. (909) 395-2130

CITY PROJECT PLANNER & PHONE NO: Alexis Vaughn (909) 395-2416

DAB MEETING DATE: October 18, 2021

PROJECT NAME / DESCRIPTION: TM-20281, a Tentative Tract Map to subdivide 4.79 acres of land into 37 lots within the Neighborhood 3 land use district of the Countryside Specific Plan

LOCATION: 9510 East Chino Avenue

APPLICANT: Chino Avenue, LLC

REVIEWED BY: Raymond Lee 10/17/21
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: [Signature] 10-12-21
 Khoi Do, P.E. Date
 City Engineer



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

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - A. An additional 18 feet from the ultimate right-of-way along the project frontage on the north side of Chino Ave for a 30 feet neighborhood edge
 - B. Colonial Ave to the ultimate full street right-of-way width of 60 feet from Chino Ave to TM 16045 limits
 - C. East Barnvelder Ct to the ultimate full street right-of-way width of 60 feet from Colonial Ave to TM 18810 limits

Property line corner 'cut-back' required at the intersection of:

 - A. Colonial Ave & Chino Ave
 - B. Colonial Ave & East Barnvelder Ct
- 1.02 Dedicate to the City of Ontario, the following easement(s):
 - A. 24 feet wide easement for emergency access purposes over all private alleys
 - B. 34 feet wide easement for public utility purposes over all private alleys
- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s):
 - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.
- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.



- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Financial Services Department at (909) 395-2124 regarding this requirement.
- (1) _____
- (2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 1.13 Ontario Ranch Developments:
- 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
- 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
- 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions:
- A. The Tract Map shall comply with the approved Countryside Specific Plan, the Development Agreement, the Conditions of Approval for Tentative Tract Map No. 20281 and the Conditions of Approval for this Tentative Tract Map.
- B. Applicant/developer shall obtain all off-site right-of-way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.

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

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

- 2.01 Record Tract Map No. 20281 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.



- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____ .
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a:
- Certificate of Compliance with a Record of Survey;
- Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
- Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
- State of California Department of Transportation (Caltrans)
- San Bernardino County Road Department (SBCRD)
- San Bernardino County Flood Control District (SBCFCD)
- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE)
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA)
- Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
- _____ feet on _____
- Property line corner 'cut-back' required at the intersection of _____
- and _____
- 2.11 Dedicate to the City of Ontario the following easement(s): _____
- _____



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



B. PUBLIC IMPROVEMENTS

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

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

Improvement	Chino Ave	East Barnvelder Ct (A)	Colonial Ave (B)	All Alleys (Private)
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 18 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 20 ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (C)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (D)	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (west side ONLY) <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) <input checked="" type="checkbox"/> Neighborhood edge (w/irrigation) <input checked="" type="checkbox"/> Multi-purpose trail	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



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

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

- A. Both north and south sides from Colonial Ave to TM 18810 limits
- B. Both west and east sides from Chino Ave to TM 16045 limits, unless otherwise noted.



- C. This includes but is not limited to, removing existing fence and guard rail at northerly tract boundary and transitioning to existing street improvements for TM 16045.
- D. This includes but is not limited to, removing existing fence and guard rail at easterly tract boundary and transitioning to existing street improvements for TM 18810.
- E. Cutting into Chino Ave for any proposed utility connections and street improvements will required grind and overlay to the satisfaction of the City Engineer. The limits of the pavement grind and overlay will be determined during the submittal and review of the improvement plans.
- F. All master planned utilities and infrastructure shall be designed and installed to the ultimate condition

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions:
 - A. The applicant/developer shall be responsible to reimburse the developer of TM 18810 (KB Homes) for its share of the public improvements that have been constructed by KB Homes along the project frontage of Chino Ave and have been accepted by the City. Submit proof of payment and provide a written acknowledgment from KB Homes stating that they have received said payment.

C. SEWER

- 2.23 A 8 inch sewer main is available for connection by this project in East Barnvelder Ct. (Ref: Sewer plan bar code: S16288)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions:
 - A. Internal Sanitation Sewer: Installing 8" public sanitation sewer:
 - i. Along East Barnvelder Court from the point of connection from Tract 18810 to Colonial Ave
 - ii. Along Colonial Avenue from Lot "E" to Lot "H"
 - iii. Along the alleys (Lot "E" to Lot "H")

D. WATER

- 2.27 A 8 inch water main is available for connection by this project in Colonial Ave (Ref: Water plan bar code: W16407)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.



- 2.29 Other conditions:**
- A. Internal Potable Water System: Installing 8" public potable waterlines:**
 - i. Along Colonial Avenue between existing points of connection at East Barnvelde Court and north of Tract 20281 Boundary (adjacent Tract 16045).
 - ii. Along the alleys (Lot "E" to Lot "H")
 - B. Park & Pool Area Potable Water Service: Install a separate potable water service, water meter and backflow preventer for Pool Area (Lot A).**
 - C. Existing Well Abandonment: Prior to issuance of any grading permits the existing ground water well along the westerly boundary of TTM-20281 must be abandoned per county and state requirements.**

E. RECYCLED WATER

- 2.30 A 8 inch recycled water main is available for connection by this project in Chino Ave. (Ref: Recycled Water plan bar code: P11680)**
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.**
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.**
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.

- 2.34 Other conditions:**
- A. Internal Recycled Water System: Install 8" recycled water main and applicable services connecting to the existing recycled water main in Chino Avenue into the tract to serve the site.**
 - B. Private Recycled Water System: All recycled water for irrigation purposes (park and onsite landscaping) must be private and privately maintained and taken from the public recycled water system through a service with a meter.**
 - C. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation. This also includes:**
 - i. Separate recycled water irrigation services for each building's private landscape areas.
 - ii. Separate recycled water irrigation services for the City maintained neighborhood edges and medians.

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:**
- 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.**
- 2.37 Other conditions:**
- A. Design and construct the traffic signal at Chino Ave and Colonial Ave/Starling Ave, if**



TM 17449 has not installed these improvements at the time of development. The Applicant/Developer is eligible for 50% of the improvement costs (including design and construction) of this signal. If the developer of TM 17449 has constructed this signal at the time of this development, the Applicant/Developer shall reimburse the developer of TM 17449 for 50% of the improvement costs (including design and construction) of the signal.

- B. Proposed Colonial Ave shall align with the existing Colonial Ave to the north of the development.
- C. Curb return radius shall be designed and constructed in accordance with City Standard Drawing No. 1106. Corner cut-backs shall be dedicated per Standard Drawing No. 1301.
- D. Design and construct in-fill public street lights along its project frontages of Chino Ave and Colonial Ave. Street lighting shall be LED-type and in accordance with the City's Traffic and Transportation Design Guidelines.
- E. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- F. Property frontage along Chino Ave shall be signed "No Parking Anytime".
- G. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting signing/stripping and/or street lighting design.
- H. Install a choker and ramp at the NWC of Colonial Avenue and the street on Lot F and a ramp on the east side of Colonial Avenue at the termination of the pedestrian path, in accordance with City Standard Drawing No. 1110.

G. DRAINAGE / HYDROLOGY

- 2.38 A 48 inch storm drain main is available to accept flows from this project in Chino Ave. (Ref: Storm Drain plan bar code: D14109)
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions:
 - A. Install a 24" storm drain line on Colonial Ave from Chino Ave to private alley on Lot "H"



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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
 If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
 Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: _____

J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.50 **A fiber optic line is available for connection by this project in Chino Ave. (Ref: Fiber Optic plan bar code: O10484)**
- 2.51 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Limits of work are generally located along the project frontages of Chino Ave, Colonial Ave and all private alleys. The nearest OntarioNet hand hole is located on the north side of Chino Ave approximately 337 ft. east of Kinglet Ave.**
- 2.52 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.**



L. INTEGRATED WASTE

- 2.53 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.54 Other conditions:
 - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of Ontario Municipal Utilities Company

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

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

4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

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



4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PMTT19-008, PDEV19-023, and/or Tract Map No. 20281

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

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



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

FILE NO: PMTT21-006

SUBJECT: A Tentative Parcel Map (TPM 20335) to subdivide 5.73 acres of land into two parcels located at the northeast corner of Inland Empire Boulevard and Haven Avenue, at 800 North Haven Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan; (APN: 0210-204-03) **submitted by Fuscoe Engineering.**

PROPERTY OWNER: RadPro Holdings 2 LLC

RECOMMENDED ACTION: That the Planning Commission consider and adopt a Mitigated Negative Declaration and approve File No. PMTT21-006, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 5.73 acres of land located at 800 North Haven Avenue, within the Ontario Center Specific Plan zoning district, and is depicted in Figure 1: Project Location, below. The property is designated as Urban Commercial land use and within Planning Area 7 of the Ontario Center Specific Plan. The property is comprised of a single parcel that is currently improved with an 81,163-square-foot, four-story office building and associated parking lot and mature landscaped areas. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — On March 2, 2021, the Applicant submitted Tentative Parcel Map (TPM 20335) to subdivide the 5.73-acre project site into two lots. The Applicant is proposing the subdivision for conveyance purposes and no

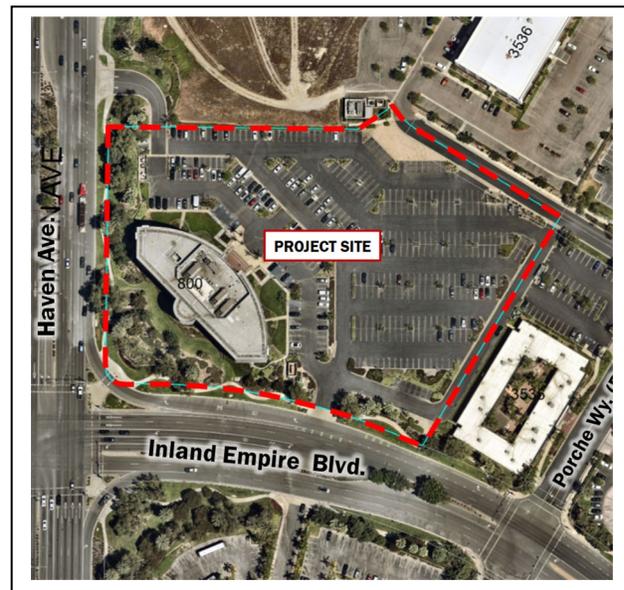


Figure 1: Project Location

Case Planner:	Edmelynn V. Hutter, AICP
Planning Director Approval:	
Submittal Date:	March 2, 2021

Hearing Body	Date	Decision	Action
DAB	10/18/2021	Approval	Recommend
PC	10/26/2021		Final
CC			

development or site modifications are proposed in association with the Project.

On October 18, 2021, the Development Advisory Board required the subject applications and voted to recommend approval to the Planning Commission.

(2) Tentative Parcel Map – The Applicant is requesting approval of a Tentative Parcel Map to subdivide the subject site into two parcels for conveyance purposes and no development or site modifications are proposed.

The existing office building is located in the southwest corner of the Project site and was constructed in 1988. The Tentative Parcel Map will subdivide the site into two parcels, with Parcel 1 being the larger of the two parcels at 4.49 acres and containing the existing office building. The proposed Parcel 2 is located on the east side of the Project site and will be 1.24 acres in size, containing a portion of the existing parking lot and landscape areas (see Exhibit B—Tentative Parcel Map). The Ontario Center Specific Plan does not have a minimum lot area requirement for Urban Commercial uses. According to Policy Plan Exhibit LU-02, Land Use Designations Summary Table, office developments within the Ontario Center Mixed Use Area shall have a maximum floor area ratio of 2.0. The proposed Parcel 1 will have a floor area ratio of 0.41, in compliance with the maximum floor area ratio requirement.

Access to the Project site is provided via existing driveways along Haven Avenue, Concourse Street, and a private drive. As proposed, access to Parcel 1 will be from Concourse Street to the south, Haven Avenue on the west (via access easement in the property to the north), and from private drives to the northeast. Parcel 2 will be accessed from the private drive to the northeast and the existing parking lot in Parcel 1.

The existing office building is required to provide 271 parking spaces based on the established parking ratio of one space for each 300 square feet of gross floor area (Ontario Center Specific Plan Section 4.1.6.2(c)(2)). The Project site has 396 parking spaces and complies with the minimum parking requirements. Given the existing parking lot configuration and proposed lot lines, Parcel 1 will contain 271 parking spaces, maintaining the minimum number of parking spaces required, and Parcel 2 will have 125 parking spaces. Any future development on either parcel shall be required to comply with the parking requirements of the Ontario Center Specific Plan and a shared parking/access agreement between the two parcels may be required.

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

(1) City Council Goals.

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

(2) Vision.

Distinctive Development:

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

(3) Governance.

Decision Making:

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

(4) Policy Plan (General Plan)

Land Use Element:

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

➤ LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

▪ Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S1-2 Entitlement and Permitting Process. We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

Community Design Element:

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

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional, and distinct.

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks, or public open spaces.

➤ CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces, and buildings.

▪ Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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

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

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines, which consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years and the parcel does not have an average slope greater than 20 percent.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Office	Mixed Use (Ontario Center)	Ontario Center Specific Plan	Urban Commercial
North	Office, Vacant	Mixed Use (Ontario Center)	Ontario Center Specific Plan	Urban Commercial
South	Hotel	Mixed Use (Ontario Center)	Ontario Center Specific Plan	Urban Commercial
East	Office	Mixed Use (Ontario Center)	Ontario Center Specific Plan	Urban Commercial
West	Vacant	Office Commercial	Ontario Center Specific Plan	Urban Commercial

General Site & Building Statistics

Item	Proposed	Min./Max. Standard	Meets Y/N
Project Area:	5.73 acres	N/A	N/A
Lot/Parcel Size:	Parcel 1: 4.49 acres Parcel 2: 1.24 acres	N/A	N/A
Building Area:	Parcel 1: 81,163 SF Parcel 2: 0 SF	Parcel 1: 391,168 SF Parcel 2: 108,028 SF	Y
Floor Area Ratio:	Parcel 1: 0.41 Parcel 2: 0.0	2.0 (Max.)	Y

Off-Street Parking:

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
Office	81,163 SF	1 space per 300 SF gross floor area	271	271
Parking Lot	0 SF	N/A	N/A	125
TOTAL	81,163 SF		271	396

EXHIBIT A—PROJECT LOCATION MAP



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 20335, FILE NO. PMTT21-006, SUBDIVIDING 5.73 ACRES OF LAND INTO TWO PARCELS LOCATED AT THE NORTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND HAVEN AVENUE, AT 800 NORTH HAVEN AVENUE, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT OF THE ONTARIO CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-204-03.

WHEREAS, Fuscoe Engineering ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT21-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 5.73 acres of land generally located on the northeast corner of Haven Avenue and Inland Empire Boulevard, at 800 North Haven Avenue within the Ontario Center Specific Plan zoning district, and is presently improved with an 81,163-square-foot, four-story office building, parking lot, and landscaping; and

WHEREAS, the property to the north of the Project site is within the Urban Commercial land use district of the Ontario Center Specific Plan and is vacant. The property to the east is within the Urban Commercial land use district of the Ontario Center Specific Plan and is developed with office buildings. The property to the south is within the Urban Commercial land use district of the Ontario Center Specific Plan and is developed with a hotel. The property to the west is within the Urban Commercial land use district of the Ontario Center Specific Plan and is vacant; and

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

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

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

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

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

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

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

WHEREAS, on October 18, 2021, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB21-054, recommending that the Planning Commission approve the Application; and

WHEREAS, on October 26, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists

of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

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

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

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the Mixed Use (Ontario Center) land use district of the Policy Plan Land Use Map, and the Ontario Center Specific Plan zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the Project will contribute to the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the Project will promote the City’s policy to “take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods” (Policy CD1-1 *City Identity*).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the Mixed Use (Ontario Center) land use district of the Policy Plan Land Use Map, and the Ontario Center Specific Plan zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will provide “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct (Goal CD2). Furthermore, the project will promote the City’s policy to “collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques” (Policy CD2-7 *Sustainability*).

(3) ***The site is physically suitable for the type of development proposed.*** The Project site meets the minimum lot area and dimensions of the Ontario Center Specific Plan zoning district and is physically suitable for the type of commercial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The Project site is proposed for commercial development at a floor area ratio of 0.41 for Parcel 1. The Project site meets the minimum lot area and dimensions of the Ontario Center Specific Plan zoning district and is physically suitable for this proposed intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The Project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the commercial improvements existing or proposed on the Project site, are not likely to cause serious public health problems, as The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or Project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the Project site.

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

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

SECTION 6: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the Applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of October 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on October 26, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT21-006 (TPM 20335)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 10/18/2021

File No: PMTT21-006

Related Files: N/A

Project Description: A Tentative Parcel Map (TPM 20335) to subdivide 5.77 acres of land into two parcels located at the northeast corner of Inland Empire Boulevard and Haven Avenue, at 800 North Haven Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan; (APN: 0210-204-03); **submitted by Fuscoe Engineering.**

Prepared By: Edmelynn V. Hutter, AICP, Senior Planner
Phone: 909.395.2429 (direct)
Email: ehutter@ontarioca.gov

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

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

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

2.1 Time Limits.

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

2.2 Subdivision Map.

(a) The Final Parcel Map shall be in conformance with the approved Tentative Parcel Map on file with the City. Variations from the approved Tentative Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Parcel Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

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

2.3 Landscaping.

(a) The existing landscaping and irrigation systems shall be continuously maintained in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

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

2.4 Parking, Circulation and Access.

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

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

(c) All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

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

2.5 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded concurrent with the recordation of the approved Final Parcel Map.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;
(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and
(iv) Utility and drainage easements.

(d) CC&Rs shall include provisions that establish maintenance obligations for each parcel within the project area and provisions that ensure compliance with property maintenance standards.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

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

2.6 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines.

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

2.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA").

Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Official
Khoi Do, City Engineer
Jamie Richardson, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Robin Lucero, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

FROM: Edmelyne Hutter, Senior Planner

DATE: March 09, 2021

SUBJECT: FILE #: PMTT21-006

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Tentative Parcel Map (TPM 20335) to subdivide a 5.77 acre parcel into two parcels, located at the northeast corner of Inland Empire Blvd and Haven Ave, within the Urban Commercial land use designation of the Ontario Center Specific Plan (APN: 0210-204-03).

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

Landscape Planning Division
Department

Signature

Title

Date

3/31/21
Item 1 - 22 of 39

**CITY OF ONTARIO
LANDSCAPE PLANNING
DIVISION**

303 East "B" Street, Ontario, CA 91764

DAB CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Sr. Landscape Planner

3/31/2021

Date

Reviewer's Name:

Jamie Richardson, Sr. Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:

PMTT21-006

Related Files:

Case Planner:

Edmelynn Hutter

Project Name and Location:

Subdivide 5.77 into two parcels
NE Corner of Inland Empire Blvd and Haven Ave (20335)

Applicant/Representative:

Fusco Engineering
2850 Inland Empire Blvd, Suite B
Ontario, CA 91764



A Tentative Tract Map (dated 3/9/21) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.



A Tentative Tract Map (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CORRECTIONS REQUIRED

On Grading or Utility Construction Plans:

1. Storm water infiltration devices located in parkways or other landscape areas shall be routed to this department to be reviewed and approved prior to permit approval or installation.
2. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 ½" below finished surfaces; landscaped slopes to be max 3:1.
3. Show or note transformers shall be located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade. Coordinate with landscape plans.
4. Show or note backflow devices shall be located in planter areas, and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
5. Show light standards 15' away from required tree locations.
6. Wall footings shall not restrict landscape; max 12" in front of footing with of 12" of cover.
7. Show on plans step outs at parking spaces adjacent to planters; 12" wide monolithic curb, 12" compacted decomposed granite or pavers adjacent to the 6" curb.
8. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
9. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
10. Add notes for any tree removal to occur outside of typical nesting season (February 1 through August 31) or per the specific plan EIR mitigation Measures.

Once items are complete you may email an electronic set to:

landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Edmelynne Hutter, Senior Planner
Planning Department

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

DATE: March 29, 2021

SUBJECT: PMTT21-006 - A Tentative Parcel Map (TPM 20335) to subdivide a 5.77 acre parcel into two parcels, located at the northeast corner of Inland Empire Blvd and Haven Ave., at 800 N. Haven Ave., within the Urban Commercial land use designation of the Ontario Center Specific Plan (APN: 0210-204-03).

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

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

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input type="checkbox"/> TRACT MAP
PROJECT FILE NO. <u>PM-20335</u> RELATED FILE NO(S). <u>PMTT21-006</u>		
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 10/18/21		

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

CITY PROJECT PLANNER & PHONE NO: Edmelyne Hutter (909) 395-2429

DAB MEETING DATE: October 18th, 2021

PROJECT NAME / DESCRIPTION: PM-20335, a Tentative Parcel Map to subdivide 5.77 acres of land into two (2) parcels.

LOCATION: 800 North Haven Avenue

APPLICANT: RadPro Holdings 2, LLC

REVIEWED BY: 10/18/21
 Raymond Lee, P.E. Date
 Assistant City Engineer

APPROVED BY: 10-18-21
 Khoi Do, P.E. Date
 City Engineer



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

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:**
Property line corner 'cut-back' required at the intersection of Inland Empire Boulevard and Haven Avenue.

 Property line corner 'cut-back' required at the intersection of _____
 and _____.
- 1.02 Dedicate to the City of Ontario, the following easement(s):** _____

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

 (1) _____
 (2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.**



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

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

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

- 2.01 Record Parcel Map No. 20335 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario Per Parcel Map No. 10868; Parcel 1.
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a:
 - Certificate of Compliance with a Record of Survey;
 - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
 - Make a Dedication of Easement.



- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.

- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

- 2.08 Submit a soils/geology report.**

- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: Non-interference Letter required from each easement holder listed in the title report**

- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____ and _____.

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

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).



- 2.13** Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

- 2.14** The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.

- 2.15** Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately _____, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.

- 2.16** Other conditions:
 - a.** The applicant/developer shall provide a private access easement at the Inland Empire Boulevard driveway entry over Parcel 1 of Parcel Map No. 20335 for the benefit of Parcel 2 of Parcel Map No. 20335 and Parcel 1 of Parcel Map No. 10606.



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

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

Improvement	Haven Av	Inland Empire BI	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing			
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace			
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace			
Parkway	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)			
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace			
Fire Hydrant (see Sec. 2.D)	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



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

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

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

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s):
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.



- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **A 10-inch sewer main is available for connection by this project in Inland Empire Boulevard. (Ref: Sewer Drawing Number: S10911)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: _____

D. WATER

- 2.27 **A 12-inch water main is available for connection by this project in Inland Empire Boulevard. (Ref: Water Drawing Number: W11891)**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions: _____

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.
 Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.
- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 **Other conditions:**
 - a. ~~The applicant/developer shall demolish the non-ADA compliant driveway approach along Inland Empire Boulevard property frontage and construct a new commercial-type driveway approach per City Standard Drawing Number 1204.~~



G. DRAINAGE / HYDROLOGY

- 2.38 **A 60-inch storm drain main is available to accept flows from this project in Inland Empire Boulevard. (Ref: Storm Drain Drawing Number: D10766)**
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100-year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions: _____

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
 If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant’s engineer shall be submitted.
 Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
- 2.46 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 **Other conditions:**
 - a. **The applicant/developer will be conditioned to prepare and submit the following for the future development plan.**
 - i. **Preliminary Water Quality Management Plan (PWQMP).**
 - ii. **Infiltration study that demonstrates retention/infiltration is feasible after an appropriate safety factor is applied for this site, and that the proposed BMPs will adequately drawdown the storm water within 48 hours. In addition, the chamber depth will be dependent upon the drawdown rate as well as the infiltration rate. The design infiltration rate multiplied by the drawdown hour provides the required chamber depth of the system. The infiltration study shall be certified by a Geotechnical Engineer.**
 - iii. **Water Quality Management Plan (WQMP), the WQMP template is available at: <http://www.sbcounty.gov/dpw/land/npdes.asp> or on the City’s website under Engineering/Environmental Services.**



- b. The applicant/developer shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) if the future development plan consist of a high-density residential (with at least 10 dwellings units per acre), industrial, commercial, mixed urban and/or public transportation station land use.

J. SPECIAL DISTRICTS

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

K. FIBER OPTIC

- 2.50 A _____ fiber optic line is available for connection by this project in Haven Avenue. (Ref: Fiber Optic Drawing Number: _____)
- 2.51 Design and construct fiber optic system along the entire property frontage to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. The applicant/developer shall construct OntarioNet handholes with two (2) conduits in between each hand-hole along Haven Avenue and Inland Empire Boulevard property frontage in the ROW.
- 2.52 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

L. INTEGRATED WASTE

- 2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.53 Other conditions: _____



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

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

4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

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



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: Parcel Map No. 20335

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

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



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



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Official
Khoi Do, City Engineer
Jamie Richardson, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Robin Lucero, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

RECEIVED
MAR 09 2021
CITY OF ONTARIO

FROM: Edmelynn Hutter, Senior Planner

DATE: March 09, 2021

SUBJECT: FILE #: PMTT21-006

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Tentative Parcel Map (TPM 20335) to subdivide a 5.77 acre parcel into two parcels, located at the northeast corner of Inland Empire Blvd and Haven Ave, within the Urban Commercial land use designation of the Ontario Center Specific Plan (APN: 0210-204-03).

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

No comments

Report attached (1 copy and email 1 copy)

Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

Police

WIMAN LEE

POLICE OFFICER

3/30/21

Department

Signature

Title

Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-006

Address: NEC Inland Empire Blvd. & Haven Avenue

APN: 0210-204-03

Existing Land Use: Office Building and parking

Proposed Land Use: Tentative Parcel Map to subdivide 5.77 acres into 2 parcels

Site Acreage: 5.77 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Edmelynn Hutter

Date: 5/11/2021

CD No.: 2021-018

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>80 FT</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



PLANNING DEPARTMENT ACTIVITY REPORT

Month of September 2021

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

TO: Chairman and Members of the Planning Commission
FROM: Rudy Zeledon, Planning Director 
DATE: October 26, 2021

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

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



Monthly Activity Report: Actions

Month of September 2021

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

CITY COUNCIL/HOUSING AUTHORITY MEETING September 7, 2021

No Planning Department Items Scheduled

DEVELOPMENT ADVISORY BOARD MEETING September 8, 2021

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-025: A Development Plan to construct a 65-foot-tall stealth (AT&T) wireless telecommunications facility (mono-eucalyptus) with a 652 square foot equipment enclosure/lease area on 2.57 acres of land, located at 1200 South Wanamaker Avenue, within the Rail Industrial land use district of the California Commerce Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 3 (Class 15303, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 238-221-34) **submitted by AT&T.**

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

ZONING ADMINISTRATOR MEETING September 8, 2021

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-010: A Conditional Use Permit to establish a 6,180-square-foot banquet facility on 11.59 acres of land located at 735 North Milliken Avenue, Suite F, within the Urban Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 210-211-43) **submitted by Gabriela Camposeco.**

Action: Continued to a future undetermined meeting date. The public hearing for this application will be renoticed.



Monthly Activity Report: Actions

Month of September 2021

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

DEVELOPMENT ADVISORY BOARD MEETING September 20, 2021

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-033: A Development Plan to construct a 71,667 square foot addition to an existing 105,095 square foot industrial building, on a 3.5-acre portion of a 9.02-acre property located at 2777 East Cedar Street, within the Business Park land use district of the California Commerce Center South Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0211-275-03) **submitted by KGP Telecommunications, LLC.**

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

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV19-069 AND PCUP19-030: A Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-491-08) **submitted by Ramila Patel. Planning Commission action is required.**

Action: The Development Advisory Board adopted decisions recommending the Planning Commission approve the Development Plan and Conditional Use Permit, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMT21-002: A Tentative Parcel Map (File No. PMT21-002/TPM 20278) to subdivide 15.94 acres of land into 3 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report State Clearinghouse No. 2008101140 for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-07) **submitted by Orbis Real Estate Partners. Planning Commission action is required.**

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

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-003: A Tentative Parcel Map (File No. PMTT21-003/TPM 20274) to subdivide 9.72 acres of land into 4 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial and Community Commercial zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report State Clearinghouse No. 2008101140 for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-04) **submitted by Orbis Real Estate Partners. Planning Commission action is required.**

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

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-007: A Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report State Clearinghouse No. 2008101140 for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners. Planning Commission action is required.**

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

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-005 AND PDEV21-009: A Tentative Tract Map (TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area, and a Development Plan for the construction of 39 residential condominium units (9 buildings total), located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1010-521-28) **submitted by Tipping Development. Planning Commission action is required.**

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



Monthly Activity Report: Actions

Month of September 2021

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

ZONING ADMINISTRATOR MEETING September 20, 2021

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-015: A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-204-18) **submitted by Eureka Restaurant Group LLC.**
Action: The Zoning Administrator is considering the Conditional Use Permit.

CITY COUNCIL/HOUSING AUTHORITY MEETING September 21, 2021

ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP21-002: An appeal of the Planning Commission's action to uphold the Zoning Administrator's approval and deny the appeal of a Conditional Use Permit to establish and construct a second floor, 574-square-foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE-2 (Rural Estate—0 to 2.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-031-44) **submitted by Won Jun Choi. The Zoning Administrator approved this item on May 17, 2021, and the Planning Commission upheld the Zoning Administrator's decision and denied the appeal on July 27, 2021, with a vote of 7 to 0.**
Action: Continued to the October 5, 2021, City Council meeting.

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING September 28, 2021

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME EXTENSION REVIEW FOR FILE NO. PMTT18-007 (TTM 20198): A one-year Time Extension for a previously approved Tentative Tract Map, File No. PMTT18-007 (TTM 20198), to subdivide 9.57 acres of land into 18 single-family residential lots on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture - 0 to

2.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1011-431-01) **submitted by Mr. Ray Tsai.**

Action: An automatic one-year time extension granted pursuant to state law. Planning Commission consideration was not required.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME EXTENSION REVIEW FOR FILE NO.

PMTT18-008 (TTM 20144): A one-year Time Extension for Tentative Tract Map No. 20144, previously approved by Planning Commission on April 23, 2019, subdividing one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15: Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-532-04) **submitted by Barton 88 Investment, LLC.**

Action: An automatic one-year time extension granted pursuant to state law. Planning Commission consideration was not required.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-002:

A Tentative Parcel Map (File No. PMTT21-002/TPM 20278) to subdivide 15.94 acres of land into 3 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-07) **submitted by Orbis Real Estate Partners.**

Action: The Planning Commission adopted a resolution approving the Tentative Parcel Map, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-003:

A Tentative Parcel Map (File No. PMTT21-003/TPM 20274) to subdivide 9.72 acres of land into 4 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial and Community Commercial zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario



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International Airport Land Use Compatibility Plan (ALUCP); (APN: 1083-361-04) **submitted by Orbis Real Estate Partners.**

Action: The Planning Commission adopted a resolution approving the Tentative Parcel Map, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-007: A Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNS: 1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners.**

Action: The Planning Commission adopted a resolution approving the Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-005 AND PDEV21-009: A Tentative Tract Map (TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area, and a Development Plan for the construction of 39 residential condominium units (9 buildings total), located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1010-521-28) **submitted by Tipping Development.**

Action: The Planning Commission adopted resolutions approving the Tentative Tract Map and Development Plan, subject to conditions.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV19-069 AND PCUP19-030: A Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-491-08) **submitted by Ramila Patel.**



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Action: The Planning Commission adopted resolutions approving the Development Plan and Conditional Use Permit, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO.

PDCA20-002: A Development Code Amendment revising certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, common active open space areas, and off-street parking requirements for small lot infill subdivisions. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061 (b) (3) of the CEQA Guidelines. The proposed Development Code Amendment affects property located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). Additionally, the Development Code Amendment is located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics; **City Initiated. City Council action is required.**

Action: The Planning Commission adopted a resolution recommending the City Council approve the Development Code Amendment.



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PADV21-003:

Submitted by City of Ontario

An Administrative Housing Element Available Land Inventory Amendment request to remove 153 units from the housing inventory for 2,377 acres of land bordered by D Street to the north, C Street to the East, Euclid Avenue to the west, and Lemon Avenue to the east, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts, and the Downtown Civic Center Planned Unit Development (APNs: 1048-551-10, 1048-551-11, 1048-551-12, and 1048-551-13). **Staff action is required.**

PADX21-001:

Submitted by ARMANDO JR MORENO

An application for a fair housing and reasonable accommodation for property located at 3296 South Welsummer Avenue. **Zoning Administrator (nonhearing) action is required.**

PCUP21-016:

Submitted by American Legion Post No. 112

A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises with bona fide members and guests of the American Legion Post Ontario No. 112 (Type 52 ABC license) and to cater alcoholic beverages off-site (Type 58 ABC License) in conjunction with an existing 4,081-square-foot building on 0.76 acres of land located at 1400 South Vineyard Avenue, Suite A, within the IG (General Industrial) zoning district (APN: 0113-415-17). **Zoning Administrator action is required.**

PCUP21-017:

Submitted by Xin Wang

A Conditional Use Permit to establish a 992-square-foot two-story Accessory Dwelling Unit that exceeds 16 feet in height on 7,540 square feet of land located at 715 East Philadelphia Street, within the LDR-5 (Low-Density Residential – 2.1 to 5.0 du/ac) zoning district (APN: 1050-531-62). **Zoning Administrator action is required.**

PCUP21-018:

Submitted by Edith Guerrero

A modification to a previously approved Conditional Use Permit (File No. PCUP01-028) to add the sale of alcoholic beverages, including beer, wine, and distilled spirits for consumption on the premises (Type 47 ABC license), located at 4423 East Mills, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-01-445). **Zoning Administrator action is required.**

PDEV21-030:

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

A Development Plan to construct one Industrial building totaling 175,047 square feet on 7.47 acres of land located at the southwest corner of Bonview Avenue and Cedar Avenue, within the IG (General Industrial) zoning district (APNs: 1050-441-05, 1050-441-09, 1050-441-11, 1050-441-12, 1050-441-13, 1050-441-14, 1050-441-15, 1050-441-16, 1050-441-17, 1050-441-18, 1050-441-19, 1050-441-20, 1050-441-21, 1050-441-22, 1050-441-23, 1050-441-24, 1050-441-25, 1050-441-26, 1050-441-27, 1050-441-28, 1050-441-29, 1050-441-30, 1050-441-31, 1050-441-32, 1050-441-33, 1050-441-34, 1050-441-35, 1050-441-36, 1050-441-37, 1050-441-38, 1050-441-39, 1050-441-40, 1050-441-41, 1050-441-42, 1050-441-43, 1050-441-44, 1050-441-45, 1050-441-46, 1050-441-47, 1050-441-48, 1050-441-49, 1050-441-50, 1050-441-51, 1050-441-52, 1050-441-53, 1050-441-54, 1050-441-55, 1050-441-56, 1050-441-57, 1050-441-58, 1050-441-59, 1050-441-60, 1050-441-61, 1050-441-62, and 1050-441-73). Related Files: PZC21-001 and PHP21-015. **Planning Commission action is required.**



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PDEV21-031: Submitted by **Herdman Architecture and Design**

A Development Plan to construct 2 industrial buildings totaling 38,155 square feet on 2.38 acres of land located at 510, 558, and 560 East California Street, within the IL (Light Industrial) zoning district (APNs: 1049-351-01, 1049-351-02 and 1049-351-03). **Development Advisory Board action is required.**

PDEV21-032: Submitted by **TruePoint Solutions**

E-SUBMITTAL TEST - DO NOT PROCESS

PDEV21-033: Submitted by **Hannibal Petrossi**

A Development Plan to construct a 2800-square-foot fast-food restaurant (The Habit Burger Grill) on 0.19 acres of land located at 1610 East Fourth Street, within the CC (Community Commercial) zoning district (APN: 110-18-111). **Development Advisory Board action is required.**

PDEV21-034: Submitted by **Golden Opportunity Zone Fund, LLC**

A Development Plan to construct one industrial building totaling 32,000 square feet on 1.4 acres of land located at 621 South Mountain Avenue, within the IL (Light Industrial) zoning district (APNs: 1011-182-10 and 1011-182-15). **Planning Commission action is required.**

PDIF21-003: Submitted by **Lennar Homes of California, Inc.**

A DIF Credit Agreement with Lennar Homes of California associated with the development of Tract Map 20399 (File No. PMTT21-007), located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the Grand Park Specific Plan. **City Council action is required.**

PDIF21-004: Submitted by **Ontario CC, LLC**

A DIF Credit Agreement with Ontario CC, LLC., associated with the development of Parcel Map 20027 (File No. PMTT18-009), located at the southwest corner of Hamner Avenue and Riverside Drive, within the Edenglen Specific Plan. **City Council action is required.**

PHP-21-015: Submitted by **Nancy Park**

A Local Historic Landmark designation for a single-family residence constructed in the Craftsman architectural style, located at 1948 South Bon View Avenue, within the IL (Light Industrial) zoning district (APN: 1050-441-05). **City Council action is required.**

PHP-21-016: Submitted by **Gray R McMinn**

A Local Historic Landmark designation for a single-family residence located at 409 North San Antonio Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district (APN: 1048-314-11). **City Council action is required.**

PMISC-00007: Submitted by **Estrada Investment Group, LLC**

Extension of legal nonconforming land use on 0.487-acre of land located at 235 East Main Street, within the IG (General Industrial) zoning district (APN: 1049-068-18). *****Application Withdrawn*****



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PMTT21-018:

Submitted by Richland Developers, Inc.

A Tentative Tract Map (TTM 20472) to subdivide 47.16 acres of land into 94 lots located at the southwest corner of Eucalyptus and Haven Avenues, within Planning Areas 30 and 31 of the Subarea 29 Specific Plan (APNs: 0218-331-31 and 0218-331-52). **Planning Commission action is required.**

PSGN21-090:

A Sign Plan for the installation of one new illuminated wall sign and the refacing of one existing monument sign for PRO SOURCE WHOLESAL, located at 4237 East Airport Drive, within the California Commerce Center Specific Plan (APN: 0211-222-06). **Staff action is required.**

PSGN21-091:

Submitted by Perry Builders

A Sign Plan for the replacement of 4 existing carwash related signs and 2 existing monument sign panels for JACKSON'S SHELL GAS STATION, located at 2215 South Archibald Avenue, within the California Commerce Center South Specific Plan (APN: 1083-071-12). **Staff action is required.**

PSGN21-092:

Submitted by True Jesus Church in Chino Valley

A Sign Plan for the installation of one temporary wall-mounted banner sign for TRUE JESUS CHURCH, located at 1429 North Euclid Avenue, within the RE-4 (Residential Estate – 2.1 to 4.0 du/ac) zoning district (APN: 1047-345-01). To be displayed from 9/4/2021 to 9/18/2021. **Staff action is required.**

PSGN21-093:

Submitted by JC Signs

A Sign Plan for the installation of one illuminated wall-mounted sign for MATHNASIUM, located at 2598 South Archibald Avenue, Suite A, within the CC (Community Commercial) zoning district (APN: 1083-011-11). **Staff action is required.**

PSGN21-094:

A Sign Plan for the replacement of 3 wall-mounted signs and one monument sign panel for TACO BELL, located at 2544 South Archibald Avenue, within the CC (Community Commercial) zoning district (APN: 1083-011-14). **Staff action is required.**

PSGN21-095:

Submitted by TDI Signs

A Sign Plan for the installation of one temporary wall-mounted banner sign for BISHAMON INDUSTRIES CORPORATION, located at 5651 East Francis Street, within the IH (Heavy Industrial) zoning district. To be displayed from 9/13/2021 to 10/7/2021. **Staff action is required.**

PSGN21-096:

Submitted by Signfastic

A Sign Plan for the installation of one new non-illuminated wall-mounted sign for SANA MEDICAL CLINIC, located at 1435 South Grove Avenue, Suite 8, within the Grove Avenue Specific Plan (APN: 0113-361-53). **Staff action is required.**



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PSGN21-097:

Submitted by Nike, Inc

A Sign Plan for the installation of a mural (to be painted on the south elevation of the building) for NIKE, located at 5331 South Carpenter Avenue, within the Colony Commerce Center West Specific Plan (APN: 0218-292-21). **Staff action is required.**

PSGN21-098:

Submitted by Swain Sign Inc.

A Sign Plan for the installation of one illuminated wall-mounted sign, one multi-tenant monument sign, and one twin pole multi-tenant sign for ADVANCED AUTO PARTS, located at 2415 South Vineyard Avenue, within the CC (Community Commercial) zoning district (APN: 0113-285-11). **Staff action is required.**

PSGN21-099:

Submitted by Spirit Halloween

A Sign Plan for the installation of one temporary wall-mounted banner sign for SPIRIT HALLOWEEN, located at 1520 North Mountain Avenue, within the Mountain Village Specific Plan (APN: 1008-272-02). To be displayed from 9/5/2021-11/5/2021. **Staff action is required.**

PSGN21-100:

Submitted by Downtown Ontario Improvement Association

A Sign Plan for the installation of 24 light pole banners along Euclid Avenue, to be installed in the Downtown area for the DOWNTOWN ONTARIO IMPROVEMENT ASSOCIATION (DOIA). To be displayed from 11/2021 to 01/2022. **Staff action is required.**

PSGN21-101:

Submitted by Jason Montiel

A Sign Plan for the installation of 4 wall signs, 2 monument signs and one directional sign for FAST 5 EXPRESS, located at the northwest corner of Ontario Mills Parkway and Inland Empire Way (private), within the Ontario Mills Specific Plan (APN: 0238-041-28). **Staff action is required.**

PSGN21-102:

Submitted by Regal Cinemas

A Sign Plan for the installation of 4 wall-mounted signs with 2 descriptors, each, for REGAL (replacing Edwards Theater signage), located at 4900 East Fourth Street, within the Ontario Mills Specific Plan (APN: 0238-014-05). **Staff action is required.**

PSGN21-103:

Submitted by Dsigner Hair

A Sign Plan for the installation of one non-illuminated wall-mounted sign for DSIGNER HAIR, located at 610 East Francis Street, within the CN (Neighborhood Commercial) zoning district (APN: 1050-421-02). **Staff action is required.**

PSGN21-104:

Submitted by Vanessa Cabrera

A Sign Plan for the installation of 2 illuminated wall-mounted signs and the reface two existing monument signs for DELTA BY MARRIOTT, located at 2200 East Holt Boulevard, within the CCS (Convention Center Support Commercial) zoning district (APN: 0110-322-32). **Staff action is required.**



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PSGN21-105:

Submitted by Glenn Nakano

A Sign Plan for the installation of 2 replacement canopy signs, dispenser signs, and 3 replacement ground-mounted signs for 76 GAS STATION, located at 1195 East Walnut Street, within the CN (Neighborhood Commercial) zoning district (APN: 1051-321-54). **Staff action is required.**

PSGN21-106:

Submitted by Lee Carter

A Sign Plan for the installation of 2 wall-mounted illuminated signs for WHITE CAP CONSTRUCTION, located at 5055 East Airport Drive, within the IG (General Industrial) zoning district (APN: 238-044-22). **Staff action is required.**

PSGN21-107:

Submitted by Delia Barrosa Hong

A Sign Plan for the installation of one window sign (35" x 25") located at 415 North Euclid Avenue (1950's Downtown Sign District), within the MU-1 (Downtown Mixed Use) zoning district (APN: 1048-354-10). **Staff action is required.**

PTUP21-056:

Submitted by County of San Bernardino Department of Public Health

A Special Event Banner for the County of San Bernardino Department of Public Health, supporting National Lead Poisoning Prevention Week, located at 437 North Euclid Avenue, with the MU-1 (Downtown Mixed Use) zoning district. To be displayed from 10/24/2021 to 10/30/2021. **Staff action is required.**

PTUP21-057:

submitted by GDCI-RCCD 2, LP

A Temporary Use Permit for a sales trailer at the model complex for Tract 20265, located at 4276 South Crisanta Privado, within the Rich/Haven Specific Plan. 3/15/2022 to 3/1/2024. **Staff action is required.**

PTUP21-058:

Submitted by Circus Vargas

A Temporary Use Permit for Circus Vargas at the Ontario Mills, within the northwest corner parking lot. Event will be held 9/30/2021 to 10/12/2021. **Staff action is required.**

PTUP21-059:

Submitted by Eventpermits, LLC

A Temporary Use Permit for an outdoor "Spooky Street" Halloween event in the Walmart parking lot located at 1333 North Mountain Avenue. Event to be held from 10/1/2021 to 10/3/2021. **Staff action is required.**

PTUP21-060:

Submitted by Adrian Venegas Farms

A Temporary Use Permit to establish temporary retail sales for an annual pumpkin patch located at 13835 South Euclid Avenue. Event to be held from 10/02/2019 to 10/31/2019. **Staff action is required.**

PTUP21-061:

A Temporary Use Permit to conduct mobile COVID testing within the Ontario Mills parking lot, located at 1 Mills Circle, Suite 100. Event to be held on 4/19/2021. **Staff action is required.**



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PTUP21-062: **Submitted by Gresham Savage**

A Temporary Use Permit for a Carmax overflow parking lot located at 3555 East Airport Drive, within the California Commerce Center Specific Plan. Temporary use begins on 10/1/2021 and ends on 10/1/2023. **Staff action is required.**

PTUP21-063: **Submitted by Alzheimer's Association**

A Special Event Permit submitted by Alzheimer's Association for a fundraiser "walk to end Alzheimer's" located at 4105 Inland Empire Boulevard (Mathis Furniture). Event to be held on 10/16/2021. **Staff action is required.**

PTUP21-064: **Submitted by Community Life and Culture Agency**

A Temporary Use Permit for the Third Annual Festival of the Arts on properties generally located at 217 South Lemon Avenue. Event to be held on 10/16/2021 (setup on 10/15/2021). **Staff action is required.**

PTUP21-065: **Submitted by Baldy View ROP and Life Stream Blood Bank**

A Temporary Use Permit to conduct a blood drive event on property located at 1501 South Bon View Avenue. Event to be held on 10/9/2021. **Staff action is required.**

PTUP21-066: **Submitted by Brookfield Ontario Ranch**

A Temporary Use Permit to conduct a craft fair at Picnic Park, hosted by Brookfield Ontario Ranch, within the Avenue Specific Plan. Event to be held on 11/20/2021 and 11/21/2021. **Staff action is required.**

PVER21-068: **Submitted by Zoning-Info**

A Zoning Verification for property located at 1510 South Auto Center Drive, within the California Commerce Center Specific Plan (APN: 0238-121-68). **Staff action is required.**

PVER21-069: **Submitted by AEI Consultants**

A Zoning Verification for property located at 840 South Magnolia Avenue, within the HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district (APN: 1011-371-56). **Staff action is required.**

PVER21-070: **Submitted by Global Zoning**

A Zoning Verification for property located at 2331 South Baker Avenue (APN: 0113-286-05). **Staff action is required.**

PVER21-071: **Submitted by Patrick McNeill**

A Zoning Verification for property located at 5401 East Jurupa Street (APN: 0238-101-53). **Staff action is required.**

PVER21-072: **Submitted by MV5**

A Zoning Verification for property located at 1651 South Archibald Avenue (APN: 0211-262-060). **Staff action is required.**



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PZC-21-001: Submitted by Bon View Land 10, LLC & BV Investments, LLC

A Zone Change from IL (Light Industrial) to IG (General Industrial) on 2.90 acres of land located near the southwest corner of Bon View Avenue and Cedar Avenue (APNs: 1050-441-05, 1050-441-09, 1050-441-11, 1050-441-12, 1050-441-13, 1050-441-14, 1050-441-15, 1050-441-16, 1050-441-17, 1050-441-18, 1050-441-19, 1050-441-20, 1050-441-21, 1050-441-22, 1050-441-23, 1050-441-24, 1050-441-25, 1050-441-26, 1050-441-27, 1050-441-28, 1050-441-29, 1050-441-30, 1050-441-31, 1050-441-32, 1050-441-33, 1050-441-34, 1050-441-35, 1050-441-36, 1050-441-37, 1050-441-38, 1050-441-39, 1050-441-40, 1050-441-41, 1050-441-42, 1050-441-43, 1050-441-44, 1050-441-45, 1050-441-46, 1050-441-47, 1050-441-48, 1050-441-49, 1050-441-50, 1050-441-51, 1050-441-52, 1050-441-53, 1050-441-54, 1050-441-55, 1050-441-56, 1050-441-57, 1050-441-58, 1050-441-59, 1050-441-60, 1050-441-61, 1050-441-62, and 1050-441-73). Related Files: PZC21-001 and PHP21-015). Related Files: PDEV21-030 & PHP21-015. **City Council action is required.**