

6.0 IMPLEMENTATION

This chapter summarizes the development process for implementation of the South Ontario Logistics Center Specific Plan and provides for the orderly development of the Specific Plan area.

6.1 Applicability

The provisions, standards, and guidelines contained within this Specific Plan provide the regulations for land use and development within South Ontario Logistics Center. The Specific Plan supersedes the development standards and regulations of the Ontario Development Code unless stated otherwise in this document. Whenever the provisions and development standards of the Specific Plan conflict with those of the Ontario Development Code, the Specific Plan shall take precedence. Where the Specific Plan is silent, the Ontario Development Code shall apply.

Definition of Terms

The terms used within the Specific Plan shall mean the same as defined in the Ontario Development Code, unless otherwise noted.

6.2 Severability

The Specific Plan serves as the implementation tool for the City's Policy Plan (General Plan). In the event that any provision of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

6.3 Interpretation

If an issue, condition, or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City of Ontario Planning Director in a manner consistent with the goals, policies, objectives, and intent established in the Specific Plan.

6.4 Consistency with Other Plans and Regulations

This sub-section discusses consistency of the Specific Plan with The Ontario Plan, Airport Land Use Compatibility Plans, the California Building Code, and CEQA.

6.4.1 Consistency with The Ontario Plan

No land use, activity, or facility shall be permitted that is inconsistent with the objectives, policies, general land uses, and programs of The Ontario Plan, as amended.

The South Ontario Logistics Center entitlement applications include a General Plan Amendment to change the site's land use designations from Low Medium Density Residential to Business Park and Industrial - General to be consistent with this Specific Plan.

6.4.2 Consistency with Airport Land Use Compatibility Plans

Projects located within the Specific Plan area are subject to the restrictions and provisions of the Airport Land Use Compatibility Plans prepared for Ontario International Airport and Chino Airport.

6.4.3 Consistency with California Building Code

Projects located within the Specific Plan area must comply with the State of California Building Code as adopted and implemented by the City of Ontario.

6.4.4 Consistency with CEQA

The City of Ontario is defined as the lead agency under the California Environmental Quality Act (CEQA) based upon its authority to approve this Specific Plan. Concurrent with approval of this Specific Plan, the City Council will be required to certify the associated Environmental Impact Report (EIR), including a Mitigation Monitoring and Reporting Program to ensure that all approved EIR mitigation measures are implemented. The Planning Director shall be responsible for confirming that mitigation measures have been implemented through each project's approved plans.

6.5 Specific Plan Revisions

It is recognized that modifications to the text or exhibits of this Specific Plan may be warranted in the future to accommodate unforeseen conditions or events. Revisions shall be processed in a manner prescribed by the City of Ontario Planning Department pursuant to the provisions in this section.

6.5.1 Minor Modifications to the Specific Plan

Minor modifications to the Specific Plan shall be processed administratively without the submission of a formal Specific Plan Amendment application and shall not require a public hearing or review by the Planning Commission. The Planning Director shall have the authority to review and make a determination of approval, approval with conditions, or denial of a request for minor modification to the Specific Plan. The Planning Director may, at his/her discretion, refer any such request to the Planning Commission or City Council.

Minor modifications are defined as:

1. Expansions or reductions to a Planning Area boundary or acreage, provided that the total acreage within each affected Planning Area is not modified by more than 20 percent.
2. An increase in maximum building area for single- and multi-tenant buildings of up to 20 percent, provided that the maximum square footage for the Planning Area established by this Specific Plan is not exceeded.
3. A modification of up to 20 percent of a project's required minimum lot area, minimum lot dimensions, or setbacks if compatible with the surrounding land uses and consistent with the overall design character of the South Ontario Logistics Center.
4. Additions, deletions, or modifications to Table 4.1, Allowable Uses, which lists the permitted and conditionally permitted uses in the Specific Plan area, provided the Planning Director determines the changes to be consistent with the objectives and intent of the Specific Plan.
5. Minor modification of conceptual design criteria for architectural features and materials, landscape treatments, lighting, signage, and sustainable design strategies.
6. Revisions to roadway alignment when the change results in centerline shift of less than 250 feet.
7. Revisions to infrastructure facility sizing and precise location for dry utilities, water, sewer, and storm drainage improvements subject to approval of the City Engineer.
8. Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.
9. Revisions to exhibits in the Specific Plan that do not substantially change its intent or character.
10. Modifications of a similar nature to those listed above, which are deemed minor by the Planning Director and conform to the purpose and intent of this Specific Plan and The Ontario Plan.

6.5.2 Specific Plan Amendments

Proposed changes to this Specific Plan that do not meet the criteria for a Minor Modification shall be subject to a formal Specific Plan Amendment application process pursuant to Section 4.01.035 of the Ontario Development Code and California Government Code Section 65450, et seq.

If the proposed amendment requires supplemental environmental analysis pursuant to CEQA, the applicant shall adhere to the City's adopted procedures and CEQA Guidelines.

6.6 Subdivision Maps

Development within the Specific Plan area may require the processing of tentative and final tract or parcel maps and/or lot line adjustments or mergers. Subdivision maps and lot changes shall be reviewed and approved pursuant to Section 4.02.085 of the Ontario Development Code and other applicable City codes

and regulations, California Government Code Section 66410 et seq. (Subdivision Map Act), as well as the provisions of this Specific Plan.

6.7 Development and Land Use Review Procedures

Review procedures for development and land use within the Specific Plan area shall be as provided in this Specific Plan and in accordance with the Ontario Development Code.

6.7.1 Development Plan Review

Development proposed within the Specific Plan area shall be subject to Development Plan review pursuant to Section 4.02.025 of the Ontario Development Code. The review is intended to ensure compliance with the provisions of this Specific Plan, protect the integrity and character of the physical composition of the City, and encourage high quality development.

6.7.2 Conditional Use Permit

A Conditional Use Permit shall be required for uses deemed “conditionally permitted” in Table 4.1 (Allowable Uses). Applications for a Conditional Use Permit shall be processed pursuant to Section 4.02.015 of the Ontario Development Code.

6.7.3 Administrative Use Permit

An Administrative Use Permit shall be required for uses deemed “administratively permitted” in Table 4.1 (Allowable Uses). Applications for an Administrative Use Permit shall be processed pursuant to Section 4.03.015 of the Ontario Development Code.

6.7.4 Appeals

Appeals of decisions of the Development Advisory Board, Zoning Administrator, Planning Director, or the Planning Commission regarding implementation of this Specific Plan may be made by the applicant or other aggrieved party pursuant to Division 2.04 of the Ontario Development Code.

6.8 Development Agreement

Approval of a statutory development agreement authorized pursuant to California Government Code Section 65864 et seq. shall be required by this Specific Plan. The Development Agreement shall include, but not be limited to, methods for financing, acquisition, and construction of necessary infrastructure. The Development Agreement shall be fully executed prior to recordation of the first Final Map.

6.9 Specific Plan Phasing

Implementation of this Specific Plan is anticipated to occur in one phase, as discussed in Chapter 3.10, Phasing Plan:

Phase 1: Phase 1 consists of the construction of Buildings 1 through 10 as numbered in the Conceptual Site Plan. This phase may be developed in several sub-phases in response to market demands and according to the logical and orderly completion of infrastructure improvements.

All the Specific Plan required infrastructure can be found in Section 3.3 (Figure 3.7 and 3.7a) for Potable Water, Section 3.4 (Figure 3.9) for Recycled Water, Section 3.5 (Figure 3.11) for the Sewer Plan, Section 3.7 (Figure 3.13) for the Fiber Optic Plan, and Section 3.8 (Figure 3.14) for the Storm Drain Plan. Phasing will be determined per separate Development Agreement.

6.9.1 Phasing Objectives

Development phasing shall meet the following objectives:

1. The orderly build-out of the project based upon market and economic conditions;
2. The provision of adequate parking, infrastructure, and public facilities concurrent with the development of each phase; and
3. The protection of the public health, safety, and welfare.

6.9.2 Findings for Modification of the Phasing Plan

The Planning Director shall have the authority to approve modification of the Phasing Plan, subject to the following findings:

1. The modification is consistent with the Policy Plan (General Plan);
2. The modification will not adversely affect the implementation of the Specific Plan;
3. The modification will not be detrimental to public health, safety, and general welfare; and
4. The modification will not delay the construction of infrastructure improvements necessary to serve the development.

6.10 Financing of Public Improvements

The financing of the construction, operation, and maintenance of public infrastructure improvements, facilities, and services within the Specific Plan area shall be provided through a combination of mechanisms. Final determination of the scope of improvements, maintenance responsibilities, and funding sources shall be specified in the approved Development Agreement, executed prior to recordation of the first Final Map.

Financing options may include, but are not limited to, the following:

1. Private capital investment by the project developer, the property owner(s), or a Property Owners Association.
2. Private capital investment by a consortium of property owners and/or developers of the project and/or surrounding area.
3. Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of public facilities or the provision of public services. City Council approval shall be a prerequisite for use of special district financing mechanisms.
4. Development Impact Fee (DIF) credits to be applied for infrastructure completed by the project developer.
5. Enhanced Infrastructure Financing District to fund infrastructure development through tax increment financing pursuant to Senate Bill 628.
6. Community Revitalization and Investment Authorities (CRIA) to fund infrastructure development through tax increment financing pursuant to Assembly Bill 2.

6.11 Maintenance Plan

Final determination of maintenance responsibilities for the public and private improvements constructed in association with this Specific Plan shall be specified in the approved Development Agreement, which shall be executed prior to recordation of the first Final Map. However, it is anticipated that maintenance shall be generally shared by three entities as described below and outlined in Table 6.1, Maintenance Responsibilities.

6.11.1 City of Ontario, Community Facilities District & Other Special District

The establishment of a community facilities district, landscape and lighting district, or other special district to fund the maintenance of public facilities shall be at the City's discretion. It is anticipated that public maintenance shall include the following:

1. Right-of-way for public streets within the Specific Plan area (Grove Avenue, Eucalyptus Avenue, Merrill Avenue, and Bon View Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Chapter 3, Development Plan) and as approved by the City Engineer.
2. Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
3. The City shall maintain off-site infrastructure improvements, including water, sewer, and storm drainage facilities.

4. The City shall maintain NPDES facilities located within the curb-to-curb area of public streets. Operation and maintenance requirements for NPDES stormwater runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

6.11.2 Property Owners Association

A Property Owners Association (POA) may be established for the maintenance of common areas, including such improvements as on-site landscape areas and parking and drive aisles within South Ontario Logistics Center. It is anticipated that improvements maintained by the POA would include the following:

1. Driveways;
2. On-site open spaces, landscape areas, common areas, parking lots, and walkways;
3. Landscaping within setback/landscape buffer areas along Bon View Avenue;
4. NPDES facilities within landscape setbacks and on-site common areas;
5. Property identification signage and architectural elements located within the landscape buffer;
6. Fencing and walls, including graffiti removal; and
7. Water, sewer, recycled water facilities and storm drainage facilities located on-site and constructed by the developer are considered privately owned and to be maintained by the property owners or the Property Owner Associations. The Property Owners Association(s) shall maintain permanent on-site water quality basins, trenches, swales and biotreatment filters required by the San Bernardino County MS4 Permit and Water Quality Management Plan.

Table 6.1: Maintenance Responsibilities

Area of Responsibility	City or Special District	Property Owners or POA	Utility
Master Planned Roadways: Grove Avenue, Eucalyptus Avenue, Merrill Avenue and Bon View Avenue			
Curb-to-curb improvements	<input type="checkbox"/>		
Bon View- landscaping within the public right-of-way (parkways)		<input type="checkbox"/>	
Behind the curb improvements - landscaping within the public right-of-way (parkways) and sidewalks and neighborhood edge	<input type="checkbox"/>		
Other Improvements			
Traffic Signals and Traffic Control Signs on public streets	<input type="checkbox"/>		
Street lights in the public right-of-way	<input type="checkbox"/>		
Drive aisles		<input type="checkbox"/>	
On-site parking areas		<input type="checkbox"/>	
Common open space		<input type="checkbox"/>	
Landscaping within setback/landscape buffer areas		<input type="checkbox"/>	
Monument signage		<input type="checkbox"/>	

Table 6.1: Maintenance Responsibilities

Area of Responsibility	City or Special District	Property Owners or POA	Utility
Walls and fences		<input type="checkbox"/>	
Stormwater drainage/water quality control facilities within the curb-to-curb area of public streets and Merrill and Bon View public storm drain proposed behind the curb	<input type="checkbox"/>		
Stormwater drainage/water quality control facilities behind the curb		<input type="checkbox"/>	
Water, recycled water, and sewer infrastructure in the public right-of-way	<input type="checkbox"/>		
Dry utilities: electricity, natural gas, communication systems			<input type="checkbox"/>
City of Ontario Fiber Optic Conduit (in Ontario Ranch Streets)	<input type="checkbox"/>		

6.12 Additional Entitlement Requirements

Currently, there are no existing City utilities, nor any improvement plans for City utilities in the vicinity of the Specific Plan area. Several miles of new infrastructure are required to provide City utility services to the Specific Plan area. In order to ensure orderly expansion of the City Utility Systems and other City infrastructure, the following additional entitlement requirements are imposed upon all subdivision maps and developments within the Specific Plan area.

6.12.1 Conceptual Design Report

Prior to approval of any entitlement applications (subdivision maps, Development Plan Reviews, etc.), a conceptual design report shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval of the extent of all public improvements required for the project. The study shall identify existing and future rights-of-ways (ROW) and infrastructure improvements and establish all vertical and horizontal alignments for each utility. The report shall include cross-sections, profiles, and any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW. The study shall account for all utility conflicts, right-of-way variations, existing obstructions, and the timing of utility installation. Utilities cannot be located along an alignment that conflicts with existing conditions (e.g. electrical poles, private property, etc.) unless the applicant accepts the responsibility of modifying the existing conditions (e.g. undergrounding, relocation, ROW acquisition, etc.).

6.12.2 Preliminary Design Report

As a condition of entitlement (subdivision map, Development Plan Review, etc.) within the Specific Plan area and prior to submittal of Infrastructure Improvements Plans, a Preliminary Design Report (PDR) for all public infrastructure shall be submitted and approved by the Development Agency Engineering Department and the Utilities Engineering Department. The PDR shall include the following:

Conceptual Design Compliance: A discussion modifying or confirming the conceptual design established in the project's Conceptual Design Report shall be included. The study shall confirm all rights-of-ways (ROW), infrastructure improvements, and vertical and horizontal alignments for each utility.

Street Cross Sections and Profiles: Street cross sections and profiles shall be provided for each public street, private street and Public Utility Easement (PUE) containing a public utility and at any points along the alignments where the ROW varies. The cross sections shall show the location and size of each utility and shall annotate the property/ROW lines, the type of finished surface material, the distance of each utility from centerline, the depth from finished surface to top of pipe, and the distance between utilities (outside wall to outside wall).

Constructability Review: The report shall include a discussion of the constructability issues along the proposed alignment and identify the recommended construction methods that may be utilized. The study shall perform field investigation (field survey and potholing) in order to identify potential utility conflicts, right-of-way variations, existing obstructions, and constructability issues created by the timing of utility installation.

Supporting Details: The PDR shall include any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW, including the placement of large appurtenances, clearance from existing obstructions, etc.

30% Design Drawings: The PDR findings shall be incorporated into a 30% design plan set and included in the PDR.

Western Trunk Sewershed Scope: In order to qualify for Development Impact Fees (DIF) and to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, the PDR shall include the WTS and all the Master Plan Trunk Sewers connecting to the WTS. The PDR shall include: the WTS from the Kimball Interceptor to the Whispering Lakes Pump Station at Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the WTS in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the WTS in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the WTS in Merrill Avenue to Chino Avenue; and the Walker Trunk Sewer from the WTS in Schaeffer Avenue to Chino Avenue.

Horizontal and Vertical Alignment Studies: Horizontal and vertical alignment studies shall demonstrate the entire sewershed and subsewersheds can be sewerred.

Sewer Sizing Hydraulic Calculations: Sewer sizing hydraulic calculations shall demonstrate the proposed trunk sewer designs can accommodate the Master Plan Flows to meet the Master Plan Design Criteria.

6.12.3 Utilities Systems Map (USM)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.), as part of the entitlement application a Conceptual Utilities Systems Map (USM) shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval. The USM is a summary plan sheet exhibit that shows all the public offsite infrastructure requirements and demands for the Development Project (and/or Subdivision), the onsite private infrastructure improvements, and the interaction between the public and private utilities systems. As a Condition of Approval for the Development Project (and/or Subdivision), the Conceptual Utilities Systems Map shall be updated into a Final Utilities Systems Map to reflect the changes that occur between entitlement and Final Plan and Permit Approval. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's Utilities Systems Map (USM) Requirements for details.

6.12.4 Integrated Waste Management Report (IWMR) and Solid Waste Handling Plan (SWHP)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.), as part of the entitlement application a Conceptual Integrated Waste Management Report (IWMR) and a Conceptual Solid Waste Handling Plan (SWHP) shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval. The SWHP summary plan sheet exhibit that demonstrates the project site's design conformance with the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. The IWMR is a report that presents project specific information that is not able to be demonstrated within the Solid Waste Handling Plan, including discussions on: project solid waste operations; project compliance with all applicable laws, statues, policies, and requirements; and, conformance with all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. As a Condition of Approval for the Development Project (and/or Subdivision), the Conceptual SWHP and the a Conceptual IWMR shall be updated into a Final SWHP and Final IWMR to reflect the changes that occur between entitlement and Final Plan and Permit Approval. The SWHP and IWMR may be required to be updated from whenever there are new occupants, new uses or changes to existing uses, Tenant Improvements, Business Licenses, and Certificates of Occupancy. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's Integrated Waste Management Report (IWMR) and Solid Waste Handling Plan (SWHP) Requirements for details.