

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
MAY 1, 2018**

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Reegis Richard, The Joshua Center International

PUBLIC COMMENTS

6:30 p.m.

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

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

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

SPECIAL CEREMONIES

EIGHTEENTH ANNUAL MODEL COLONY AWARDS

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency of April 3, 2018, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 11, 2018 through March 24, 2018 and **Payroll** March 11, 2018 through March 24, 2018, when audited by the Finance Committee.

3. ADOPTION OF AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RENAMING THE EXECUTIVE DIRECTOR OF FINANCE AND THE FINANCIAL SERVICES AGENCY

That the City Council adopt an ordinance initiating the name change of Director of Finance to Executive Director of Finance, and department name change from Department of Administrative Services to Financial Services Agency.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE OFFICE OF THE EXECUTIVE DIRECTOR OF FINANCE.

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18984 LOCATED ON THE NORTH SIDE OF FOURTH STREET, APPROXIMATELY 900 FEET EAST OF VINEYARD AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18984 located on the north side of Fourth Street, approximately 900 feet east of Vineyard Avenue.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18984, LOCATED ON THE NORTH SIDE OF FOURTH STREET APPROXIMATELY 900 FEET EAST OF VINEYARD AVENUE.

5. MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR QUIET HOME SITES AND CELEBRATION NORTH AND SOUTH PARKS/DW LANDSCAPE, INC./PRIORITY LANDSCAPE SERVICES, INC.

That the City Council takes the following actions:

- (A) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. PM1718-7 with DW Landscape, Inc. of Upland, California, for an annual estimated cost of \$98,400 plus contingency of \$4,920;
- (B) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. PM1718-6 with Priority Landscape Services, Inc. of Brea, California, for an annual estimated cost of \$131,892 plus a contingency of \$13,190;
- (C) Authorize addition of future services; and the option to extend the agreements for up to two additional years consistent with the City Council approved budgets.

6. AN ORDINANCE APPROVING A SPECIFIC PLAN (COLONY COMMERCE CENTER EAST) REQUEST (FILE NO. PSP16-003) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH (APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10, AND 0218-311-13)

That the City Council consider and adopt an ordinance approving the Colony Commerce Center East Specific Plan (File No. PSP16-003).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF BUSINESS PARK AND INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.

7. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE

That the City Council consider and adopt an ordinance approving a Development Code Amendment (File PDCA18-002) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.

8. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA18-001, TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT, AND A ZONE CHANGE, FILE NO. PZC18-001, FROM OH (HIGH INTENSITY OFFICE) TO CR (REGIONAL COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE (APN: 0210-551-01)

That the City Council consider and adopt:

- (1) An ordinance approving File No. PDCA18-001, a Development Code Amendment to allow used vehicle automobile dealers as a conditionally permitted use in the CR (Regional Commercial) zoning district; and
- (2) An ordinance approving File No. PZC18-001, a Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on property located at 520 North Turner Avenue.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-001, A DEVELOPMENT CODE AMENDMENT TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-001, A ZONE CHANGE FROM OH (HIGH DENSITY OFFICE) TO CR (REGION COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

9. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-007) BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT 20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN (APNS: 0218-201-20, 0218-201-26 AND 0218-201-27)

That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA17-007, on file with the Records Management Department) between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FILE NO. PDA17-007, BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-201-20, 0218-201-26 AND 0218-201-27.

10. RECOGNITION OF “HISTORIC PRESERVATION MONTH” IN THE CITY OF ONTARIO

That the City Council proclaim the month of May 2018 as “Historic Preservation Month” in the City of Ontario.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
SPECIAL CERMONIES

SUBJECT: EIGHTEENTH ANNUAL MODEL COLONY AWARDS

RECOMMENDATION: That the City Council Present the 2018 “Model Colony” Awards for Historic Preservation.

COUNCIL GOALS: Focus Resources in Ontario’s Commercial and Residential Neighborhoods Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: None.

BACKGROUND: The Planning Commission, acting as the Historic Preservation Commission, developed the “Model Colony” Awards program to recognize outstanding achievement in the preservation of Ontario’s historic properties.

The “Model Colony” Awards are presented by the City Council each spring to coincide with National Preservation Month. Four awards will be presented in the categories of preservation. On March 27, 2018, the Planning/Historic Preservation Commission considered each category and chose the following recipients:

Founder’s Heritage Award:

For achievement in the ongoing preservation of a Tier I or Tier II historic resource.

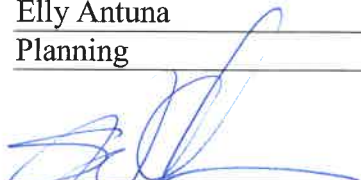
Recipient: **Benton Ballou House
Dr. Stephen and Edith Wierzbinski**

Rehabilitation Award:

For achievement in the rehabilitation of a historic resource.

Recipient: **Ontario Laundry Company
Jose and Gloria Campuzano**

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Elly Antuna
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

Award of Merit: For achievement in the rehabilitation of a historic resource.

Recipient: **Henry C. Hamilton House**
Alexander and Leticia Mendez

Rehabilitation Award: For achievement in the rehabilitation of a historic resource.

Recipient: **Newman and Ethel Garrison House**
Jessie and Tina Rodriguez

PLANNING / HISTORIC PRESERVATION COMMISSION STAFF REPORT



DATE: March 27, 2018
FILE NO: PHP18-003
SUBJECT: 2018 "Model Colony" Awards
LOCATION: Citywide
APPLICANT: City Initiated
PROPERTY OWNER: N/A

RECOMMENDATION:

That the Planning/Historic Preservation Commission approve the 2018 "Model Colony" Awards.

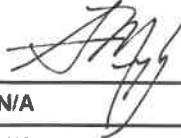
BACKGROUND:

In 2000, the City Council adopted the Model Colony Awards to recognize outstanding efforts to restore, rehabilitate, and preserve Ontario's historic places. This is the eighteenth consecutive year that the City has conducted the awards program. The award categories include: Restoration, Rehabilitation, John S. Armstrong Landscape, Founder's Heritage Award, George Chaffey Memorial, and Merit. Past Model Colony Award recipients included Ontario's schools, churches, single-family residences, historic multi-family properties, and joint public/private preservation projects.

There are 4 nominations this year which include 3 single-family residences and one commercial building. On March 8, 2018, the Historic Preservation Subcommittee (HPSC) reviewed the nominations. The 2018 Model Colony Awards will be presented to award recipients by the City Council during a special ceremony and reception on May 1, 2018.

2018 AWARD NOMINEES:

For their outstanding efforts in the field of historic preservation, the nominees are:

Case Planner:	Elly Antuna, Assistant Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		HPSC:	03/08/2018	Approve	Review
Submittal Date:	N/A	PC / HPC:	03/27/2018	Approve	Final
Hearing Deadline:	N/A	CC:	05/01/2018		Presentation

**Founder's Heritage Award:
Award Recipient:**

The Benton Ballou House
Dr. Stephen and Edith Wierzbinski

In 1920, Benton Ballou and his wife Alice contracted prominent local builders Campbell Construction Company to build this beautiful Prairie style house for a cost of \$16,000. Benton Ballou was one of Ontario's early pioneers and had extensive holdings in peach orchards in the lands east of Ontario. He also owned the patent on a peach pitting machine which was used in about 50 packing houses. Benton Ballou was the original owner of what today is known as Hofer Ranch. Paul B. Hofer, Sr. was Benton Ballou's nephew. Benton Ballou lived in this impressive house on Princeton until his death in 1957.



The two-story, Prairie style home sits on an oversized lot within the College Park Historic District. The Prairie style is one of the few indigenous American styles. This style of architecture is usually marked by its integration with the surrounding landscape. Horizontal lines were intended to unify the structure with the native prairie landscape of the Midwest. The Benton Ballou House is square in plan with a flat roof, has a decorative parapet surrounding the second story, wide overhanging eaves with curvilinear brackets, and is covered in stucco siding. Large square columns support a porch roof that extends along a portion of the primary façade. The home features multi-paned double-hung wood windows surrounded by decorative wood trim and a wide recessed front door. Also present on the property is a smaller, single-story dwelling and a detached 2-car garage, both were constructed in the same architectural style.

The interior of the home features a formal living room with a Batchelder fireplace containing tile panels displaying peacocks in a garden. The fireplace is flanked by original candelabra sconces. The dining room retains the original built in drawers and cupboards. The original hardwood floors, wood trim, bathroom tile, picture rail hanging system, doors and glass doorknobs are present throughout the home. The original furnaces and a whole house vacuum system are located in the ½ basement.

The current property owners purchased the home in 1971, and are the homes longest residents. For nearly half a century, the Wierzbinski's have lovingly cared for this home. Besides a kitchen remodel, some interior paint and the installation of solar panels on the detached garage, the home remains in its original state. Through the property owner's outstanding stewardship, this home remains an excellent example of the Prairie architectural style and a significant Contributor to the College Park Historic District.

Rehabilitation Award: Ontario Laundry Company
Award Recipient: Jose and Gloria Campuzano

This two-story commercial building, was constructed in the 1940s in the Streamline Moderne/Art Deco architectural style and was designated by Ontario City Council as Local Landmark No. 6 on June 6, 1995. The site was home to laundries since 1896 including the "Ontario Laundry Company" (est. 1911). The building was home to several tenants since serving as a laundry, most recently the building housed a variety of restaurants. In 2015, Jose and Gloria Campuzano leased the space to open a second restaurant, with the original "Gloria's Cocina Mexicana" successfully operating in Downey, CA.



Construction commenced and in September 2015, a stop work notice was issued for unpermitted exterior alterations, including removal of the original Art Deco style blue tile on the base of the building façade. Soon after a Certificate of Appropriateness was approved for a rehabilitation project including certain exterior alterations. The building was painted in a period appropriate off-white color with black trim for contrast. All the original steel frame windows were repaired and the trim was painted black. The existing modern aluminum storefront doors were replaced with simple wood frame doors with glass and an Art Deco iron design. All exterior light fixtures were replaced with period appropriate wall lanterns and light posts.

The glazed ceramic tile that was removed from the building façade at the base had a distinct cobalt blue color with a unique beveled design. The applicant was able to find a tile that closely matched the original tile in material, size, shape, color and design. The replacement tile was installed in the same locations, orientation, and patterns as the original tile. New floor tile was installed in the outdoor patio area that once served as a driveway for the laundry, along with a trellis and a colorful mural depicting a ballet folklorico dancer. The planters were painted and landscaped with a variety of succulents.

The interior of the building was completely transformed to accommodate the proposed restaurant. Period appropriate light fixtures were installed throughout the building, the kitchen and restrooms were remodeled and new paint and finishes were applied. The rehabilitation project highlights the building's unique Art Deco/Streamline Moderne features while creating a vibrant backdrop for the new use.

Award of Merit: The Henry C. Hamilton House
Award Recipient: Alexander and Leticia Mendez

The Henry C. Hamilton House is a two-story residence constructed in the Craftsman Bungalow architectural style. The home is situated on a corner lot within the El Morado Court Historic District, a well-established, single-family neighborhood that consists of many styles of homes, including Craftsman Bungalow, Pueblo, and Prairie Revival.



The two-story residence has identical front and side facing gables, wide overhanging eaves and exposed rafters. The gables are supported by 3 pair of ornately carved purlins. The home is clad in narrow clapboard wood siding, features a wraparound porch and an attached porte-cochere. Wood framed hung and fixed windows, a half glass wood entry door and multi-pane French doors are on the second story. The front porch is accented by Arts and Crafts style light fixtures. The interior of the home retains all the original wood flooring and trim, doors and hardware. Other unique features still intact include pocket doors and built in cupboards throughout the home.

A Mills Act Contract was recorded on the property in 2007 and all improvements had been completed prior to the current property owner's purchase. Some improvements completed under the Mills Act Contract include exterior and interior paint, repair of damaged wood siding and water damaged ceilings, and electrical repairs and upgrades. Although the building had been vacant for several years prior the most recent change in ownership, the home had been impeccably maintained and had many of the original features preserved and restored. The present owners purchased the home in 2017 primarily because of their fondness of historic buildings and the Craftsman style of architecture. The current property owners have continued to maintain and preserve this historic home and are excellent stewards.

Rehabilitation Award: 111 West J Street
Award Recipient: Jessie and Tina Rodriguez

The single-family residence located at 111 West J Street was constructed in the Craftsman Bungalow architectural style circa 1923. The two-story home features a low pitched gabled roof, with a wide eave overhang, exposed rafters and decorative beams at the gable ends. Other elements that are representative of the Craftsman style include horizontal wood siding, wood framed hung, fixed and multi-pane ribbon windows, and an impressive rock front porch with tapered rock columns.



In early 2014, a stop work notice was issued for unapproved work, including the partial demolition of an historic garage that was being lifted by the roots of an adjacent mature oak tree. Later that year a Certificate of Appropriateness was approved to legalize a second story addition, add a first floor deck and new French door, and to relocate and reconstruct the historic garage. The property changed owners in 2016 with several projects not completed, when Jessie and Tina Rodriguez were brought on to assist with the rehabilitation project. The Rodriguez's are no strangers to rehabbing historic buildings and have successfully rehabbed numerous historic homes in the surrounding communities.

The project team made a significant effort to preserve and restore many of the building's original features. Interior work included the installation of custom farm style kitchen cabinets with Carrara marble counter tops and a pressed tin backsplash. Original wood floors, trim and built-ins were refinished. The coffered ceiling in the living room was painted and refinished, highlighting the living rooms character. The bathrooms were completely remodeled with period appropriate tile and fixtures. Exterior work includes the repair and repainting of the original wood siding, trim and wood framed windows. The unpermitted second story addition at the rear of the residence was modified from a shed roof to a more appropriate gable roof, resulting in a seamless addition. The detached garage was repaired and moved 3 feet to the west of its original location, preserving in place the mature oak tree while retaining the historic garage on site. The front yard also received an update with new landscaping including flowers in the front porches planter wall.

COMPLIANCE WITH THE ONTARIO PLAN:

The Model Colony Awards Program is consistent with the principles, goals and policies contained in the following components of The Ontario Plan (TOP), including: (1) Vision, (2) Governance, and (3) Policy Plan (General Plan):

[1] City Council Priorities

Goals:

- Invest in the Growth and Evolution of the City's Economy
- 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] Vision

Distinctive Development

- Development Quality: A community that is so well maintained and litter-free that its properties uniformly convey a sense of prosperity that is readily apparent and a symbol of community pride.

Dynamic Balance

- An appreciation for the “personality and charm” of this community, preserving important characteristics and values even as growth and change occur, all the while retaining a distinctive local feel where people love to be.

[3] Governance

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
 - G1-1 Consistency with Policies. We require that staff recommendations to the City Council be consistent with adopted City Council Priorities (Goals and Objectives) and the Policy Plan.
 - 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)

Community Design – Image & Identity

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

Community Design – 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.
 - CD4-6: 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.
 - CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.

Community Design – 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.
 - CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RENAMING THE EXECUTIVE DIRECTOR OF FINANCE AND THE FINANCIAL SERVICES AGENCY

RECOMMENDATION: That the City Council adopt an ordinance initiating the name change of Director of Finance to Executive Director of Finance, and department name change from Department of Administrative Services to Financial Services Agency.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: No fiscal impact.

BACKGROUND: On April 17, 2018, the City Council introduced and waived further reading of an ordinance amending the Ontario Municipal Code. The City's organizational configuration as depicted in the Municipal Code was adopted in 1966. Since that time, the organizational structure has been reorganized and realigned to enhance program operations and efficiency. This proposed Municipal Code change reflects the City's ongoing efforts to model best practices and prepare a dynamic workplace for the future.

STAFF MEMBER PRESENTING: Al C. Boling, Assistant City Manager

Prepared by: Vicki Kasad
Department: Records Management
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

3

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE OFFICE OF THE EXECUTIVE DIRECTOR OF FINANCE.

WHEREAS, the City of Ontario continually strives for the most efficient and effective operational structure; and

WHEREAS, personnel and organizational changes are necessary to enhance program operation and efficiency; and

WHEREAS, implementation of best business practices and a dynamic workplace are desired for the future;

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

SECTION 1. Ordinance No. 1638 is hereby repealed in its entirety.

SECTION 2. Article 4 of Chapter 3 to Title 2 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Sec. 2-3.401. Office established.

The office of Executive Director of Finance is hereby established.

Sec. 2-3.402. Appointment.

The Executive Director of Finance shall be appointed by the City Manager, subject to ratification by the Council.

Sec. 2-3.403. Powers and duties.

(a) Supervision of Financial Services Agency. The Executive Director of Finance shall direct the Financial Services Agency and perform related work as required. The Financial Services Agency shall include the following services:

- (1) Accounting;
- (2) Budgeting;
- (3) Purchasing and stores;
- (4) Central billing;
- (5) Licensing; and
- (6) Other related central services.

- (b) Transfer from City Clerk. The Executive Director of Finance shall exercise all the powers and be subject to all the duties granted to and imposed upon the City Clerk by the provisions of Article 1 of Chapter 4 of Part 2 of Division 3 of Title 4 of the Government Code of the State (commencing with Cal. Gov't Code § 37200) and Cal. Gov't Code §§ 40802 through 40805. The City Clerk shall be relieved of all of such duties upon the appointment of the Executive Director of Finance.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18984 LOCATED ON THE NORTH SIDE OF FOURTH STREET, APPROXIMATELY 900 FEET EAST OF VINEYARD AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18984 located on the north side of Fourth Street, approximately 900 feet east of Vineyard Avenue.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

BACKGROUND: Final Tract Map No. 18984, consisting of fifty five (55) residential lots and five (5) lettered lots on 6.11 acres, as shown on Exhibit A, has been submitted by the developer, KB Home California, LLC (Ms. Heidi McBroom, Director).

Tentative Tract Map No. 18984 was approved by the Planning Commission (6 to 0 with 1 absent) on August 22, 2017.

Improvements will include curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, and LED street lights upgrade. The improvements in parkway landscaping will be consistent with current City approved drought measures.

The developer has entered into an improvement agreement with the City for Final Tract Map No. 18984 and has posted adequate security to ensure construction of the required public improvements.

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018

Approved: _____

Continued to: _____

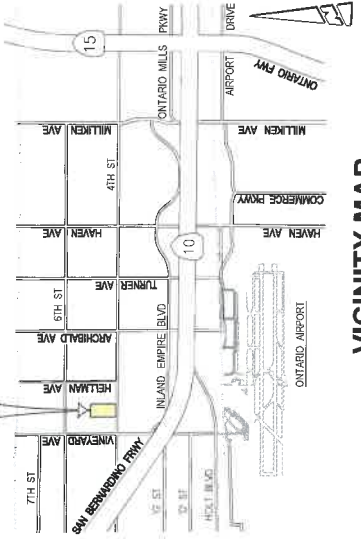
Denied: _____

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

EXHIBIT A

LOCATION



VICINITY MAP
NOT TO SCALE



MAP NOT TO SCALE
DATE: 4/4/2018
TRACT 18984

EXHIBIT A

60 LOT SUBDIVISION

PREPARED BY:
PROACTIVE
ENGINEERING CONSULTANTS
200 South Main Street, Suite 200
Ontario, CA 91764

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18984, LOCATED ON THE NORTH SIDE OF FOURTH STREET APPROXIMATELY 900 FEET EAST OF VINEYARD AVENUE.

WHEREAS, Tentative Tract Map No. 18984, submitted for approval by the developer, KB Home California, LLC (Ms. Heidi McBroom, Director), was approved by the Planning Commission of the City of Ontario on August 22, 2017; and

WHEREAS, Tentative Tract Map No. 18984 consists of fifty five (55) residential lots and five (5) lettered lots, being a subdivision of Parcel 2 of Parcel Map No. 14578 recorded in book 177, pages 33-34 of Parcel Maps, official records, in the County of San Bernardino, State of California; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18984, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, said developer has prepared Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by commonly affected property owners.

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

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18984 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held May 1, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR QUIET HOME SITES AND CELEBRATION NORTH AND SOUTH PARKS

RECOMMENDATION: That the City Council takes the following actions:

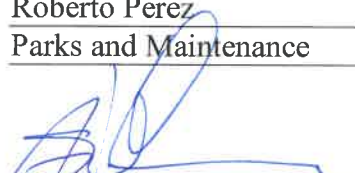
- (A) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. PM1718-7 with DW Landscape, Inc. of Upland, California, for an annual estimated cost of \$98,400 plus contingency of \$4,920;
- (B) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. PM1718-6 with Priority Landscape Services, Inc. of Brea, California, for an annual estimated cost of \$131,892 plus a contingency of \$13,190;
- (C) Authorize addition of future services; and the option to extend the agreements for up to two additional years consistent with the City Council approved budgets.

COUNCIL GOALS: 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 Ontario Ranch

FISCAL IMPACT: The estimated annual base cost for the proposed agreements are as follows:

- (A) The DW Landscape Maintenance Service Agreement is \$98,400 plus \$4,920, of contingency for urgency services for a total contract of \$103,320 for each of the first five years for a total of \$516,600. At the City's discretion, two additional one-year extensions may be exercised and the optional years include price increases of 3.8% and 2.8%, respectively.

STAFF MEMBER PRESENTING: Mark Chase, Public Works Director

Prepared by: Roberto Perez
Department: Parks and Maintenance
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

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(B) The Priority Landscape Maintenance Service Agreement is \$131,892 plus \$13,190, of contingency for urgency services for a total contract of \$145,082 for each of the first five years for a total of \$725,410. At the City's discretion, two additional one-year extensions may be exercised and the optional years include price increases of 3.8% and 2.8%, respectively.

Appropriations for maintenance cost of landscape maintenance services will be included in the Fiscal Year 2018/2019 proposed operating budget, if approved.

Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a the multi-year period will allow the City to: limit the potential for yearly increases to the bid amounts; avoid the costs of re-bidding the contract annually, provide service continuity; and better project future costs.

BACKGROUND: A summary of the proposal results follows:

(A) Quiet Home Sites

In February 2018, the City solicited proposals for landscape maintenance services for Quiet Home sites. Of the five proposals received, three proposals met the bid criteria and standards necessary to perform the work; and two were deemed non-responsive.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
DW Landscape, Inc.	Upland, CA	\$ 98,400
Brightview Landscape Services	Fontana, CA	\$103,804
Priority Landscape Services, LLC	Brea, CA	\$181,740
Fire Star Landscaping *	Ontario, CA	N/A
Lawnscap Systems, Inc. *	Montclair, CA	N/A

* *Bid proposal was incomplete and therefore deemed non-responsive.*

DW Landscape, Inc. located in Upland, California, submitted a proposal that met all the required specifications with base cost, five year total of \$492,000. Based proposal, credentials, pricing and favorable reference checks, staff recommends award of a Maintenance Services Agreement to DW Landscape, Inc.

(B) Celebration North and South Parks

In March 2018, the City solicited proposals for landscape maintenance services for Celebration North and South Parks. Three proposals were received that met the bid criteria and standards necessary to perform this work.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Priority Landscape Services, LLC	Brea, CA	\$131,892
SoCal Land Maintenance	Anaheim, CA	\$140,400
Brightview Landscape Services	Fontana, CA	\$155,964

Priority Landscape Services, LLC located in Brea, California, submitted a proposal that met all the required specifications with base cost, five year total of \$659,460. Based proposal, credentials, pricing

and favorable reference checks, staff recommends award of a Maintenance Services Agreement to Priority Landscape Services, LLC.

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A SPECIFIC PLAN (COLONY COMMERCE CENTER EAST) REQUEST (FILE NO. PSP16-003) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH (APNS:0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10, AND 0218-311-13)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Colony Commerce Center East Specific Plan (File No. PSP16-003).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy


Operate in a Businesslike Manner

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: Adoption of the Colony Commerce Center East Specific Plan would result in both short and long term fiscal impacts to the City. Short term impacts include infrastructure improvements to serve the new business park and industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with the various improvements. Long term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Luis Batres
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

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the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form and/or join a Community Facilities District (“CFD”) to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND: On April 17, 2018, the City Council introduced and waived further reading of an ordinance approving the Colony Commerce Center East Specific Plan. The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure (including drainage, sewer, and water facilities), provision for public services (including parks and schools), and urban design and landscape plans.

COLONY COMMERCE CENTER EAST SPECIFIC PLAN: The Colony Commerce Center East Specific Plan (File No. PSP16-003) serves to implement the City’s Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for the development of 94.4 acres within the Specific Plan boundaries. The Specific Plan establishes a comprehensive set of development regulations and design guidelines to regulate site planning, landscaping, and architectural character, and ensuring that excellence in community design is achieved during project development. The Colony Commerce Center East Specific Plan establishes the procedures and requirements to approve new development within the project site.

The overall land use concept for the Colony Commerce Center East Specific Plan takes advantage of the site’s proximity to airports and regional freeway access. The land use concept provides for a range of industrial and business park uses, while offering a variety of development, employment opportunities and opportunities for a broad range of industries to accommodate an ever-changing industrial and business park environment.

The Specific Plan identifies the land use intensity anticipated in three proposed planning areas (see *Exhibit “A”: Colony Commerce Center East Specific Plan Land Use Plan*). The Specific Plan is proposing a maximum Floor Area Ratio (FAR) of 0.60 within the Business Park land use designation (Planning Area 1) and 0.55 within the Industrial Land Use designation (Planning Area 2 & 3). The proposed FAR’s for each of the Planning Areas is consistent with the Policy Plan Land Use Plan for Business Park and Industrial and use designations. Planning Area 1, located within the eastern portion of the Specific Plan area, is 35.19 acres in size and can potentially be developed with 919,725 square feet of business park development. In addition, buildings within the Business Park zone should not exceed 100,000 square feet in size and anything over the 100,000 square feet will be subject to Planning Director review and approval. Planning Area 2, located within the middle and northwest portion of the Specific Plan is 49.65 acres in size and can potentially be developed with 1,189,514 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development (see *Exhibit “B”: Land Use Summary Table*).

Specific Plan Design\ Architecture Concept — The design theme and concept for Colony Commerce Center East Specific Plan was created to ensure a quality, cohesive design framework for the Specific Plan. This is empathized by the following design concepts:

- Establish development standards that ensure lasting value for business park and industrial developments.
- The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components require articulation in their architectural expression as they relate to the public view.
- The business park and industrial land uses shall implement appropriate site planning and architectural design to be complimentary to the adjacent land uses.
- A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.
- Site design shall facilitate the intended functions of developed and open space areas and provide for appropriate interactions between buildings and activity areas, good movement, vehicular access and parking, and pedestrian and bicycle travel.
- Buildings shall be oriented to define the street scene and provide for an aesthetically pleasing streetscape; and
- Major vehicular and pedestrian entries to the site from the public street system shall be readily visible.

The Colony Commerce Center East Specific Plan Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and The Ontario Plan (TOP). The proposed architecture theme of the Specific Plan will be a tilt-up Contemporary Style. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. All buildings will be required to provide substantial glazing along the storefront office areas, incorporate material changes, wall and roof articulation, and architectural detailing.

Landscape Plan — The landscape palette for the Specific Plan (Table 7.1 of the Specific Plan) identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclist, and public transit safety and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the Colony Commerce Center East Specific Plan. Primary access into the project will be provided from Merrill Avenue on the north, and Archibald Avenue on the east.

Merrill Avenue has been designed to provide two points of access to the project site and Archibald Avenue has been designed to provide three points of access. One signalized intersections will be provided along Merrill Avenue and a second along Archibald Avenue.

Infrastructure and Services — Backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by Southern California Edison. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

COMPLIANCE WITH THE ONTARIO PLAN: The Colony Commerce Center East Specific Plan 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).

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan goals.

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: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence 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.

ENVIRONMENTAL REVIEW: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including the NMC (now referred to Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Colony Commerce Center East Specific

Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the Colony Commerce Center East Specific Plan. As noted in the Planning Commission staff report, dated March 27, 2018, an EIR was prepared addressing 15 key areas. The Colony Commerce Center East Specific Plan EIR (SCH# 2017031048) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the EIR, all but three (3) of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation and traffic could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the project.

PLANNING COMMISSION REVIEW: On March 27, 2018, the Planning Commission conducted a public hearing and voted (6-0) to recommend City Council certification of the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; approval of the Colony Commerce Center East Specific Plan (File No. PSP16-003), and approval of the Tentative Cancellation of Williamson Act Contract 70-159 (File No. PWIL18-002).

Exhibit "A"
Colony Commerce Center East Specific Plan Land Use Map

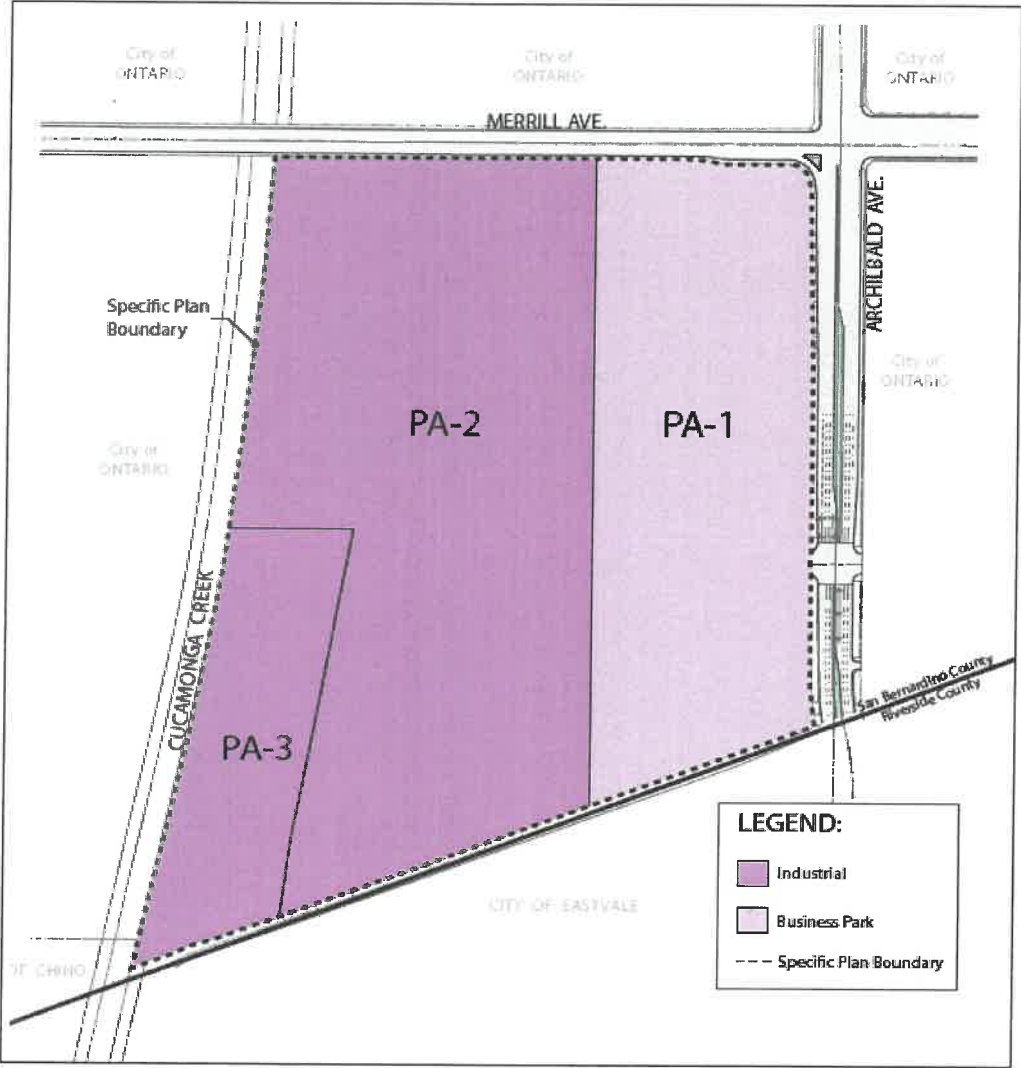


Exhibit "B"
Land Use Summary Table

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Business Park	35.19 ac	919,725 SF	0.60
PA-2	Industrial	49.65 ac	1,189,514 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,340,434 SF	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF BUSINESS PARK AND INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.

WHEREAS, CAPROCK PARTNERS LAND & DEVELOPMENT FUND I, L.P. ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP16-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 94 acres of land, bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north, within the SP (AG) land use designation, and is presently improved with agriculture and farm related uses; and

WHEREAS, the property to the north of the Project site is within the Subarea 29 Specific Plan, and is currently vacant land. The property to the east is within the Subarea 29 Specific Plan, and is developed with residential development. The property to the south is within the County, and is developed with a county flood control channel. The property to the west is within the County, and is developed with the Cucamonga Flood Control Channel; and

WHEREAS, the Colony Commerce Center East Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Colony Commerce Center East Specific Plan consists of approximately 94 acres of land, which includes the potential development of up to 2,362,215 square feet of industrial development; and

WHEREAS, a Williamson Act Cancellation (File No. PWIL18-002) has been submitted in conjunction with the proposed Colony Commerce Center East Specific Plan Tentative Cancellation Williamson Act Contract 70-159; and

WHEREAS, the land use intensity of the Colony Commerce Center East Specific Plan anticipated in the three planning areas is consistent with The Ontario Plan (TOP). The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum 0.60 FAR permitted in the Policy Plan (General Plan) Land Use Plan for industrial business park. Planning Area 1, located along the eastern portion of the Specific Plan area, is 35.19 acres in size and can potentially be developed with 919,725 square feet of business park development. Planning Area 2, located along the middle portion of the Specific Plan is 49.65 acres in size and can potentially be developed with 1,189,514 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development; and

WHEREAS, the Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, the Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

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

WHEREAS, an Environmental Impact Report (EIR) (SCH#2017031048) has been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center East); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council 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 ("ONT"), 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, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017031048) for the Project, and concluded said hearing on that date, voting (6-0) to issue Resolution No. PC18-030, recommending the City Council approve the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017031048) for the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Environmental Impact Report (EIR) (SCH#2017031048) prepared pursuant to CEQA; and

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

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

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Environmental Impact Report (EIR) (SCH#2017031048) prepared for the project and supporting documentation. Based upon the facts and information contained in the Environmental Impact Report (EIR) (SCH#2017031048) and supporting documentation, the City Council finds as follows:

(1) The Colony Commerce Center East Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center East Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce Center East Specific Plan EIR reflects the independent judgment of the City Council; and

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

SECTION 2. 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 Ontario International Airport Land use Compatibility Plan (“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 body for the Project, the City Council 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 DAB, 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 3. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 2, above, the City Council hereby concludes as follows:

(1) The approximately 94 acre Colony Commerce Center East Specific Plan is suitable for business park and industrial development and 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 land uses in the proposed planning areas will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Colony Commerce Center East Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 94 acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the Colony Commerce Center East Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element; and

(5) An Environmental Impact Report (EIR) (SCH#2017031048) has been prepared in accord with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center East).

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application.

SECTION 5. 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 6. 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 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 9. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3097 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held May 1, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3097 duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018 and that Summaries of the Ordinance were published on April 24, 2018 and May 8, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment "A"

File No. PSP16-003
Colony Commerce Center East
Specific Plan
(Document follows this page)

Colony Commerce Center East Specific Plan

Screencheck #4 | February 2018



COLONY COMMERCE CENTER EAST SPECIFIC PLAN

**City of Ontario
303 East 'B' Street
Ontario, California 91764**



**CapRock Partners
1300 Dove Street, Suite #240
Newport Beach, California 92660**

February 2018

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COLONY COMMERCE CENTER EAST SPECIFIC PLAN

CONSULTANT TEAM:

KTGY Group

Planning

17911 Von Karman Ave #200
Irvine, CA 92614

Douglas Franz Architects

Architect

4001 Westerly Place, Suite 108
Newport Beach, CA 92660

David Evans & Associates

Civil Engineers

17882 17th Street, Suite 200
Tustin, CA 92780

Manatt, Phelps & Phillips

Land Use Attorney

695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626

SPLA

Landscape Architects

PO Box 2157
Lake Arrowhead, CA 92352

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EXECUTIVE SUMMARY

1.1 Executive Summary

The Colony Commerce Center East Specific Plan includes approximately 94.42 gross acres located in the southern portion of the City, near to the San Bernardino/Riverside County boundary. The master plan for the project will provide for development of industrial, business and office buildings offering a variety of uses.

The project site is generally located west of Archibald Avenue, south of Merrill Avenue, east of the Cucamonga Creek flood control channel and north of the San Bernardino / Riverside County line in the City of Ontario, San Bernardino County, California.

The site is also located within the Ontario Ranch area which comprises a portion of the former San Bernardino County Agricultural Preserve annexed by the City in 1999. The recently incorporated City of Eastvale (October 2010) is located southeast of Ontario in the County of Riverside, while the City of Chino is located to the west in San Bernardino County.

The relationship of the project site to the surrounding region is depicted in Exhibit 1.1, Regional Context Map. Exhibit 1.2, Vicinity Map, shows the relationship of the site to adjacent land uses. Exhibit 1.3 depicts the development plan for the site.

The City of Ontario Sphere of Influence area, commonly referred to as the “Ag Preserve” was the last significant underdeveloped area in the San Bernardino Valley. In 1993, the San Bernardino Board of Supervisors voted

to consider dissolving the Ag Preserve status, thus paving the way for the transition of agricultural uses to other locations and the ultimate development of the area within an urban setting.

In 1998, the City of Ontario prepared and adopted the Sphere of Influence General Plan Amendment, an amendment to the General Plan of the City of Ontario. Planning for the 8,069 acre Ontario Ranch area is the single most important development issue facing the City of Ontario today. The General Plan for the Ontario Ranch intends to provide the long term vision to create a high quality environment where residents can live, work, and play with a sense of individual neighborhoods rather than engulfed in the Ontario Ranch.

The Sphere of Influence annexation, dedicated as New Model Colony was annexed by the City of Ontario on November 30, 1999. The Colony Commerce Center East Specific Plan area is situated within the boundaries of the New Model Colony area which is now called Ontario Ranch.

On January 26th, 2010, the City of Ontario adopted The Ontario Plan (TOP) which serves as the City’s new business plan and includes a long term Vision and a principle based Policy Plan (General Plan). The city’s Policy Plan, which acts as the City’s General Plan, designates (Policy Plan Exhibit LU-1-Land Use Plan) the project site for development of industrial uses at a maximum 0.55 floor area ratio (FAR) and business park uses at 0.60 FAR as illustrated in Exhibit 2.2 Policy Plan (General Plan) Land Use Plan.

1.2 Governing Documents

Development of Colony Commerce Center East will be governed by the following:

- » The City of Ontario General Plan (January 1998), as amended, which establishes policies governing land use, circulation, housing, conservation and open space, noise, safety, and public facilities within the Colony Commerce Center Specific Plan area.
- » The Colony Commerce Center East Specific Plan which includes a Land Use Plan, Infrastructure Plan, Design Guidelines, and Development Regulations. Where the Colony Commerce Center East Specific Plan is silent, the City of Ontario Development Code shall govern.
- » A development agreement to include methods for financing, acquisition, and construction of infrastructure.
- » The Airport Land Use Compatibility Plan for Ontario International Airport and the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics.

1.3 Specific Plan Components

The Colony Commerce Center East Specific Plan is organized into the following sections in addition to Section 1, Executive Summary.

1.3.1 (Section 2) Introduction

The Introduction serves to acquaint the reader with:

- » Community vision and objectives,
- » The project setting,
- » A general description of the project proposal,
- » The goals and policies of the Colony Commerce Center East Specific Plan,
- » The entitlements to accompany the Colony Commerce Center East Specific Plan; and

- » The relationship of the Colony Commerce Center East Specific Plan to the City of Ontario General Plan, and the City of Ontario Development Code.

1.3.2 (Section 3) Existing Conditions

The physical setting for Colony Commerce Center East is described in this section outlining the existing physical conditions on and around the Specific Plan area.

1.3.3 (Section 4) Land Use Plan

The Land Use Section describes industrial and business park planning areas as well as allocations of industrial and office building sizes per planning area.

1.3.4 (Section 5) Infrastructure and Public Services

This section provides information on circulation improvements, planned backbone water, sewer, and storm drain systems, the grading concept for the development of the project, and a discussion of public utilities and services to serve the Specific Plan.

1.3.5 (Section 6) Development Regulations

Development Regulations established in this section will govern the permitted uses and the standards regulating the development of various industrial uses within the Colony Commerce Center East Specific Plan area. The relationship of the Colony Commerce Center East Specific Plan development regulations to the City of Ontario Development Code is also provided. The policies and procedures for the City's review and approval of specific development proposals within Colony Commerce Center East are presented in this section as well as the methods and procedures for interpreting and amending the Colony Commerce Center East Specific Plan as necessary.

1.3.6 (Section 7)

Implementation and Administration

The policies and procedures for the City's review and approval of specific development proposals, within Colony Commerce Center East, are presented in this section. This section provides the methods and procedures for interpreting and amending the Colony Commerce Center East Specific Plan as necessary. A summary of project financing and project maintenance responsibilities for new development within the Specific Plan area is provided in this section.

1.3.7 (Section 8)

Design Guidelines

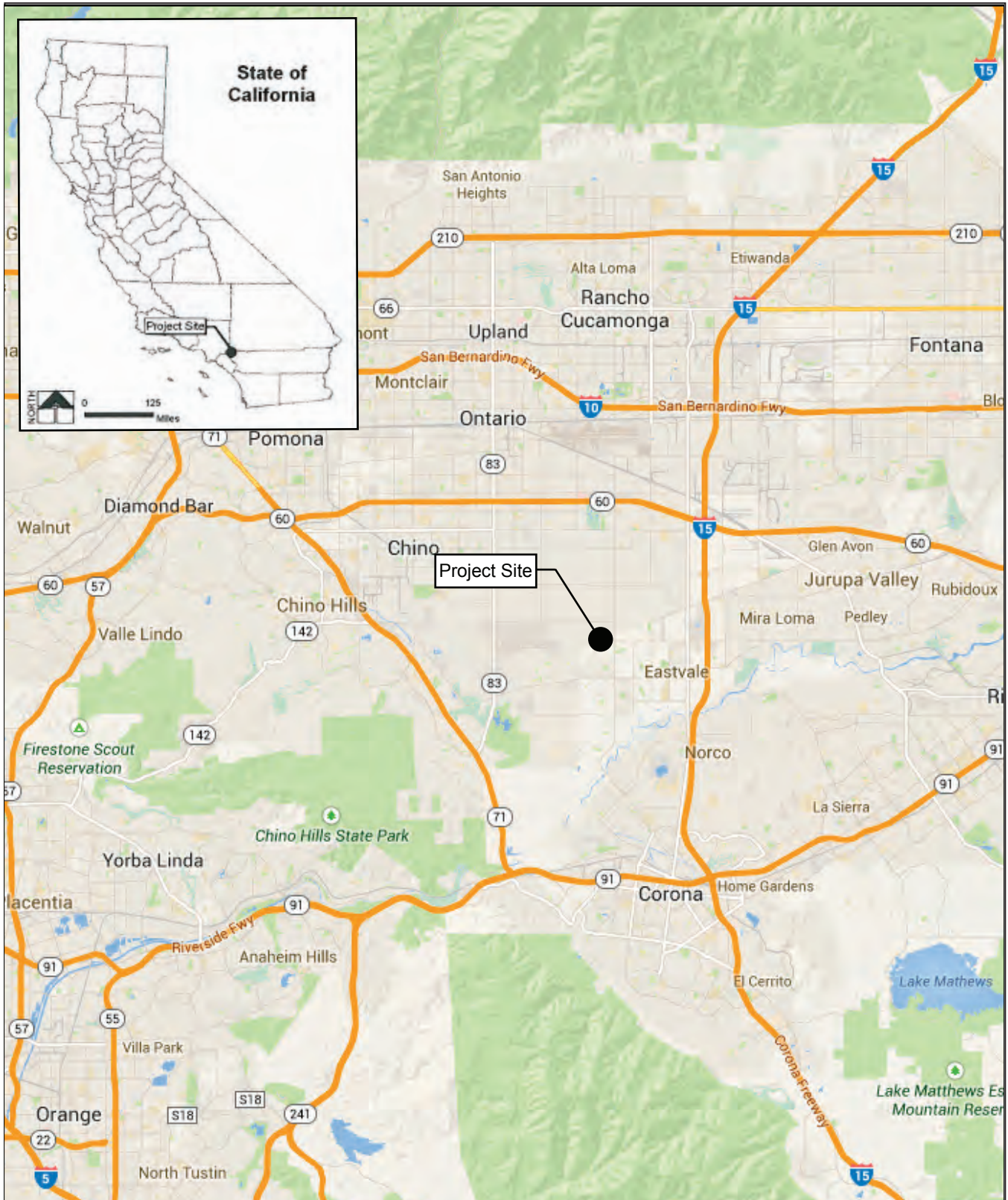
The Colony Commerce Center East Design Guidelines are intended to direct the site planning, landscaping, and architectural quality of the development. Streetscapes, entries, edge treatments, walls and fencing, lighting, signage, and architectural design are some of the features to be addressed in the Design Guidelines.

1.3.8 (Section 9)

General Plan Consistency

This section includes the City of Ontario General Plan consistency matrix describing the relationship of the Colony Commerce Center East Specific Plan to each policy of the General Plan.

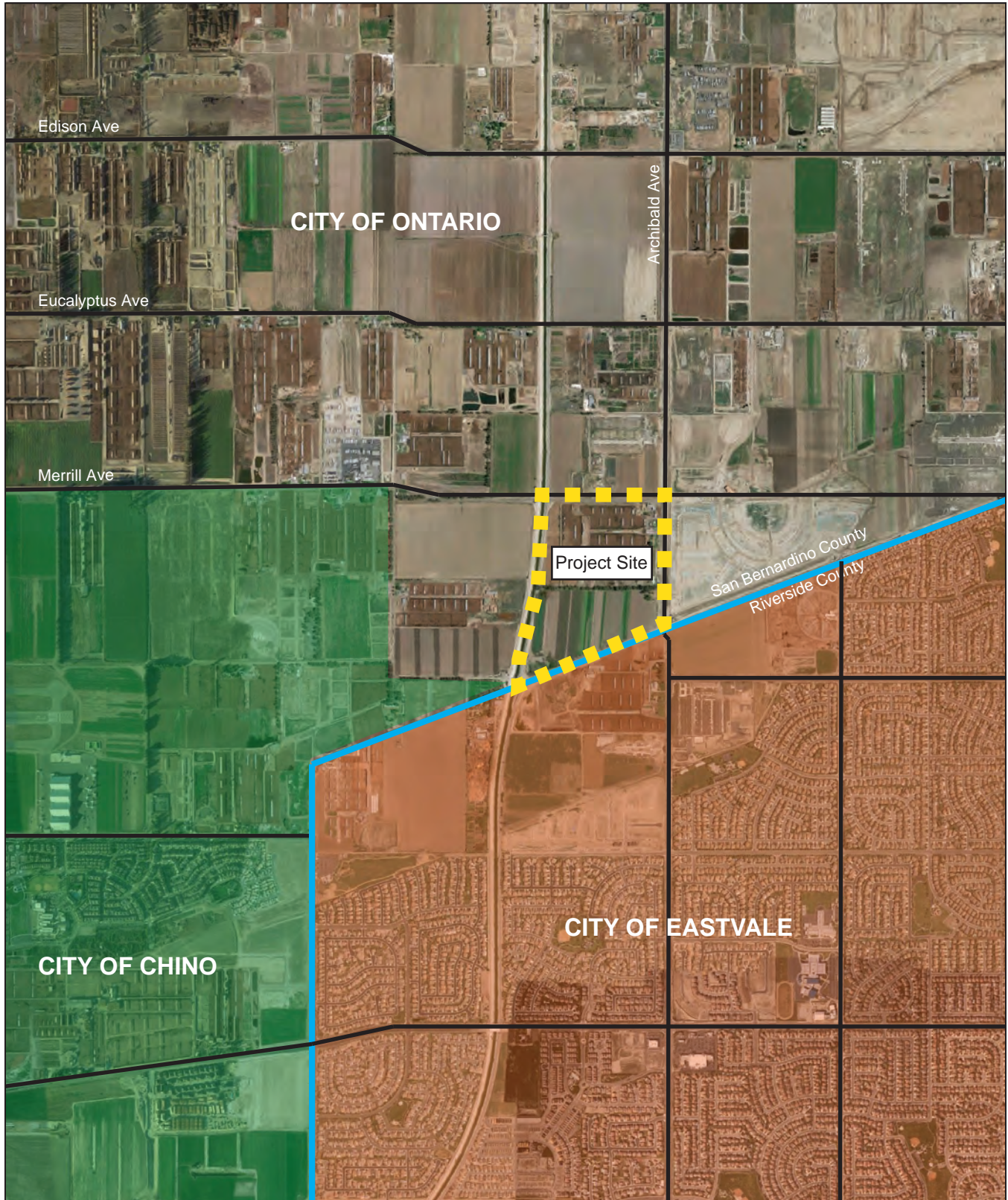
Exhibit 1.1, Regional Context Map



Source: Google Maps

N. T. S.

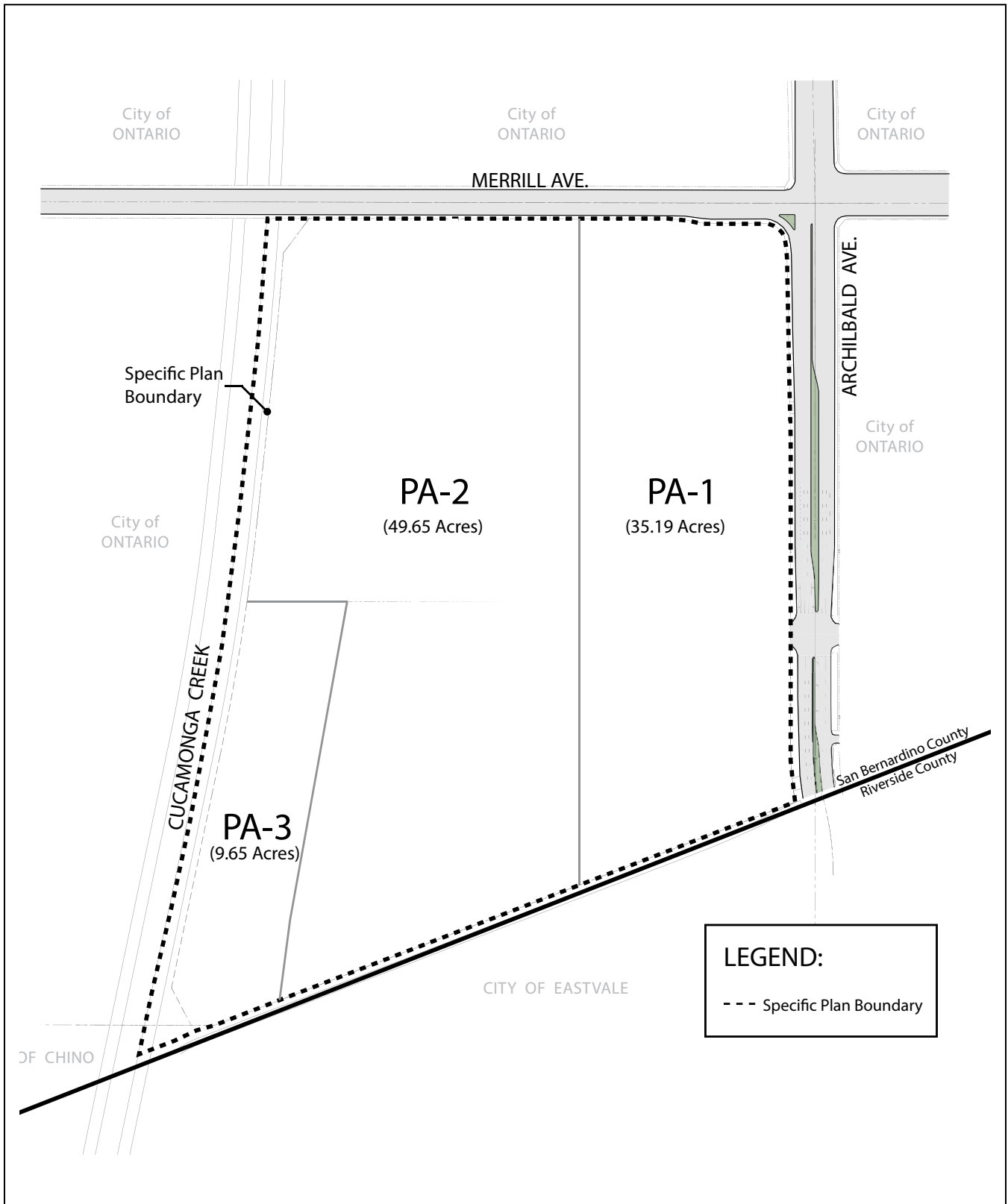
Exhibit 1.2, Vicinity Map



Source: Google Maps



Exhibit 1.3, Specific Plan Area/Proposed Planning Areas



Source: KTG Group



Table 1.1, Land Use Summary

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Business Park	35.19 ac	919,725 SF	0.60
PA-2	Industrial	49.65 ac	1,189,514 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,340,434 SF	

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2

INTRODUCTION

2.1 Specific Plan Purpose

The Ontario Plan (TOP) Policy Plan includes requirements for subsequent approval by the City of a Specific Plan and an Area Plan for development within the area of the City known as Ontario Ranch.

Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans shall incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. The Area Plan shall provide additional policy-level guidance and is considered part of the Policy Plan.

The Area Plan for the Ontario Ranch will be initiated by the City of Ontario at a future time. However, until the Area Plan for the Ontario Ranch is adopted, the Policy Plan provides that new specific plans may proceed consistent with the Goals and Policies of the Policy Plan.

The Colony Commerce Center East Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure-requirements, and implementation requirements for development.

A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape,

and architectural character within the community ensuring that excellence in community design is achieved during project development. The Colony Commerce Center East Specific Plan establishes the procedures and requirements to approve new development within the project site.

2.2 Authority

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 et seq grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the General Plan.

A Specific Plan is designed to address site specific issues such as existing on-site conditions relative to topography and existing environmental concerns, site design and layout, including setbacks and visual appearance, as well as circulation, utility provisions and infrastructure financing alternatives.

The California Government Code establishes the authority and procedures to adopt a specific plan; identifies the required contents of a specific plan; mandates consistency with the General Plan; and also mandates consistency of any future projects or zoning ordinance amendments with a specific plan. Section 9-1.200 of Title 9 of the City of Ontario's Municipal Code states the purpose and intent of specific plans.

The City's Municipal Code will act as a supplement for those areas and issues not covered by this Specific Plan regulations for administration review procedures, environmental review, and others.

2.3 State Requirements

Section 65451 of the Government Code mandates what a Specific Plan shall contain. A Specific Plan shall include a text and diagram or diagrams which specify all the following in detail:

- » The distribution, location, and text of the uses of land, including open space, within the area covered by the plan.
- » The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other facilities proposed to be located within the area covered by the plan and needed to support the land uses describe in the plan.
- » Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- » A program of implementation measures including regulations, programs, and financing measures necessary to carry out the Colony Commerce Center East Specific Plan project.
- » The Specific Plan shall include a statement of its relationship to the General Plan.

2.4 Severability

If any section, subsection, sentence, clause, phrase, or portion of the Specific Plan, or any future amendment(s) or addition(s) hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Specific

Plan, or any future amendments or additions hereto. The City hereby declares that it would have adopted these requirements and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

2.5 Project Objectives

The Colony Commerce Center East Specific Plan is designed to implement a series of project-specific objectives that have been carefully crafted to ensure the project develops with a quality industrial and business park development. The project objectives have been refined throughout the planning and design process for the project. They are identified below:

- » To provide for the development of industrial and business facilities which utilize the site's prime location to Ontario Airport.
- » To create a high quality industrial and business development that attracts an array of businesses and provides employment opportunities to area residents.
- » To provide industrial and business park uses within the project boundaries which are compatible with surrounding uses.
- » To develop a flexible plan that meets the needs of an ever-changing business market, while assuring compliance with high development standards.
- » To provide a plan for roadways, infrastructure, and utilities to support on-site land uses as the project evolves.
- » Promote opportunities for water efficiency in the project architecture and project landscaping to promote water conservation.

2.6 Specific Plan Summary

The Colony Commerce Specific East Plan creates a master-plan comprised of industrial and business park development. The project consists of three planning areas:

- » PA-1, Approximately 35.19 gross acres of business park development on the eastern portion of the site allowing for a total development up to 919,725 SF at a Floor Area Ratio (FAR) of .60.
- » PA-2, Approximately 49.65 gross acres of industrial development on the western portion of the site allowing for a total development up to 1,189,514 SF at a .55 FAR.
- » PA-3, Approximately 9.65 gross acres of industrial development on the southwestern portion of the site allowing for a total development up to 231,195 SF at a .55 FAR.

Assessor's parcel numbers within the Colony Commerce Center East Specific Plan are:

- » 0218-311-07
- » 0218-311-13
- » 0218-311-08
- » 0218-311-03
- » 0218-311-10
- » 0218-311-02

Exhibit 2.1 shows the assessor's parcel numbers within the Specific Plan area.

2.7 Discretionary Actions and Approvals

2.7.1 The Ontario Plan

The Ontario Plan (TOP) establishes the direction and vision for the City of Ontario providing a single guidance system that will shape the Ontario community for the future. The Plan provides for policies to accommodate change over a 30 year period commencing in 2010,

the beginning of the planning period. The Ontario Plan consists of a six part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback.

2.7.2 Specific Plan

The Policy Plan requires the approval of a Specific Plan for development of the project site to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The City of Ontario has zoned the project site as AG-Specific Plan as illustrated in Exhibit 2.3 Ontario Zoning Map.

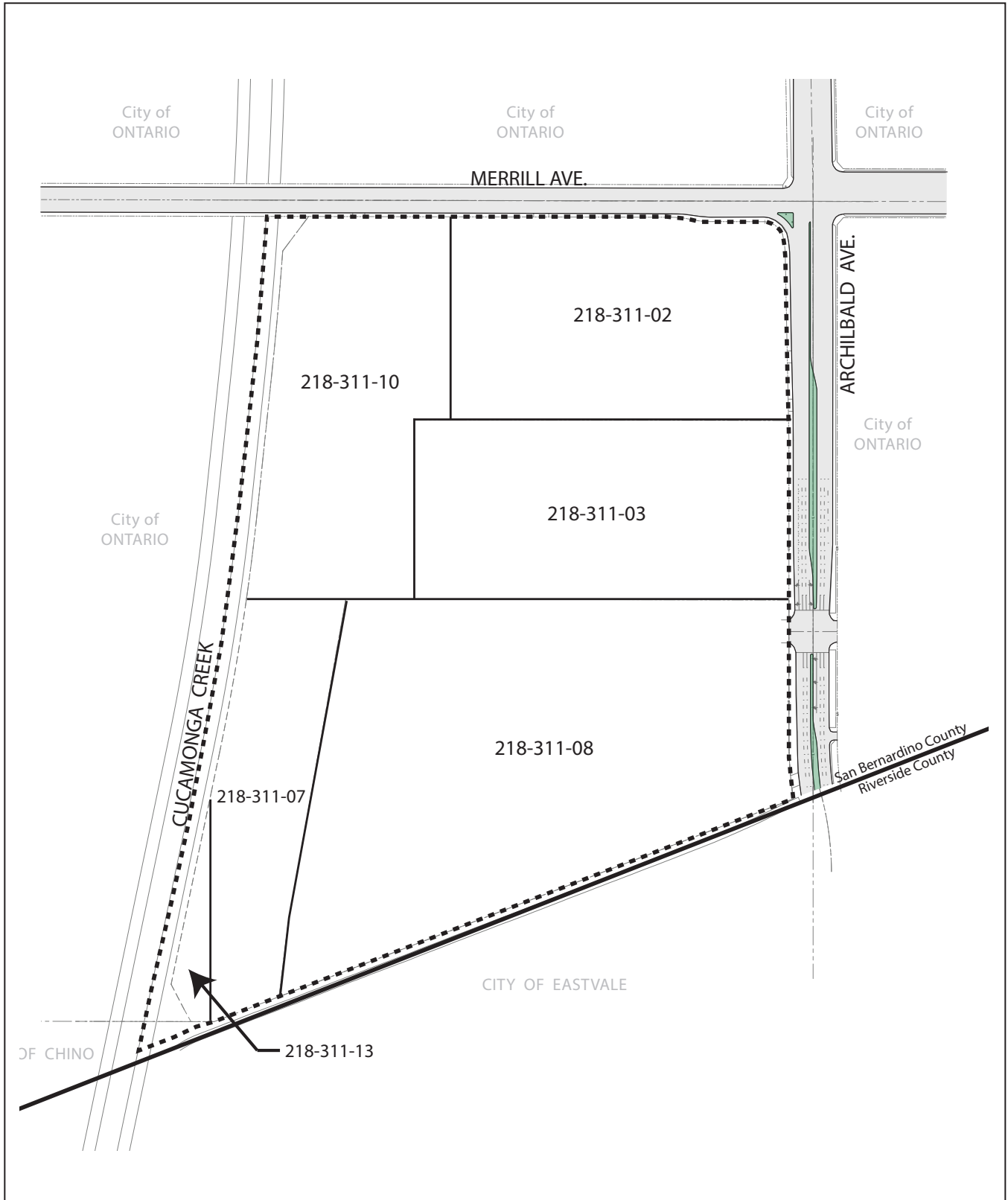
The zoning designation of AG-Specific Plan requires that a Specific Plan be approved to guide development of the project site and to implement the goals and policies of the Policy Plan. Pursuant to adoption by the City of Ontario of the Colony Commerce Center East Specific Plan by ordinance, the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

2.7.3 Development Agreement

Unless developed in a coordinated manner and with adequate fiscal planning, development projects within the City are likely to present a challenge in their implementation because of the lack of existing public facilities including streets, sewerage, transportation, drinking water, schools, and utility facilities. California law establishes a mechanism for ensuring the adequate provision of such facilities while providing assurances to applicants that, upon project approval, applicants can proceed with their projects.

Approval of the Colony Commerce Center East Specific Plan is accompanied by an application for approval of a development agreement to encourage investment in and commitment to comprehensive planning as envisioned by the City, which seeks to take maximum efficient utilization of resources at the least economic cost to the public. A statutory development agreement, authorized pursuant to California Government Code Sections

Exhibit 2.1, Assessor's Parcels



65864 et seq., shall be required as part of the approval of the Colony Commerce Center East Specific Plan.

The development agreement shall include, but not be limited to, methods for financing acquisition and construction of infrastructure, acquisition and development of adequate levels of parkland and schools, as well as the provision of adequate housing opportunities for various segments of the community consistent with the City's regional housing needs assessments. The Colony Commerce Center East development agreement shall be fully approved before the issuance of the first building permits for the project.

2.7.4 Subdivision Maps

Tentative tract maps will be approved by the City of Ontario for the project indicating the approximate boundaries and dimensions of lots and streets and the proposed grading for the project site. Following approval by the City of tentative tract maps, final maps will be prepared for City approval. Following recordation, final maps become the legal documents defining parcels that can be developed.

2.7.5 Development Plan Review

All development proposals for individual Planning Areas within the Colony Commerce Center East Specific Plan shall be subject to Development Plan Review pursuant Division 4.02 Discretionary Permits and Action of the City's Development Code.

2.7.6 CEQA Compliance

A Project Level Environmental Impact Report (EIR) prepared by the City of Ontario for the Colony Commerce Center East Specific Plan in accordance with the California Environmental Quality Act (CEQA), analyzes impacts associated with the implementation of the Specific Plan and subdivision maps.

The EIR is prepared as a basis for the environmental review of all subsequent discretionary and ministerial actions within the Colony Commerce Center East Specific Plan.

2.7.7 Williamson Act

A portion of the specific plan, parcel 218-311-08 contains an active Williamson Act contract. The contract will be cancelled without completing the process of term nonrenewal. Contract cancellation involves a comprehensive review and approval process, and the payment of fees by the landowner.

2.8 Subsequent Actions and Approvals

Following adoption of the Colony Commerce Center East Specific Plan, subsequent actions and approvals will be required, which are identified below:

- » Approval of Subsequent Tentative Maps: Implementing Tentative Maps will be prepared and processed through the City of Ontario in accordance with the requirements of Title 9, Article 4, Tentative Maps, of the Ontario Municipal Code and in accordance with the Subdivision Map Act.
- » Approval of Grading and Improvement Plans: After approval of the Tentative Map, the City of Ontario will process the corresponding Grading and Improvement Plans (e.g., water plans, wastewater plans, drainage plans, grading plans, street improvement plans, final maps, etc.).

2.9 Airport Land Use Compatibility Planning Consistency

All development proposals of Specific Plan Amendments are required to be consistent with the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics and the Airport Land Use Compatibility Plans of Chino Airport and Ontario International Airport.

2.10 General Plan and Zoning Designations

The Colony Commerce Center East Specific Plan area is designated as Industrial and Business Park with a Chino

Airport Overlay covering the entire site as shown on the City of Ontario General Plan Land Use Map (see Exhibit 2.2, Existing General Plan Land Use Designation). No changes in land use categories are proposed.

The project site is currently zoned as (AG) Agriculture requiring a Specific Plan (see Exhibit 2.3, Existing Zoning Designation). Upon adoption of the Colony Commerce Center East Specific Plan, the zoning designation for the site will not need to change; it will remain as Specific Plan.

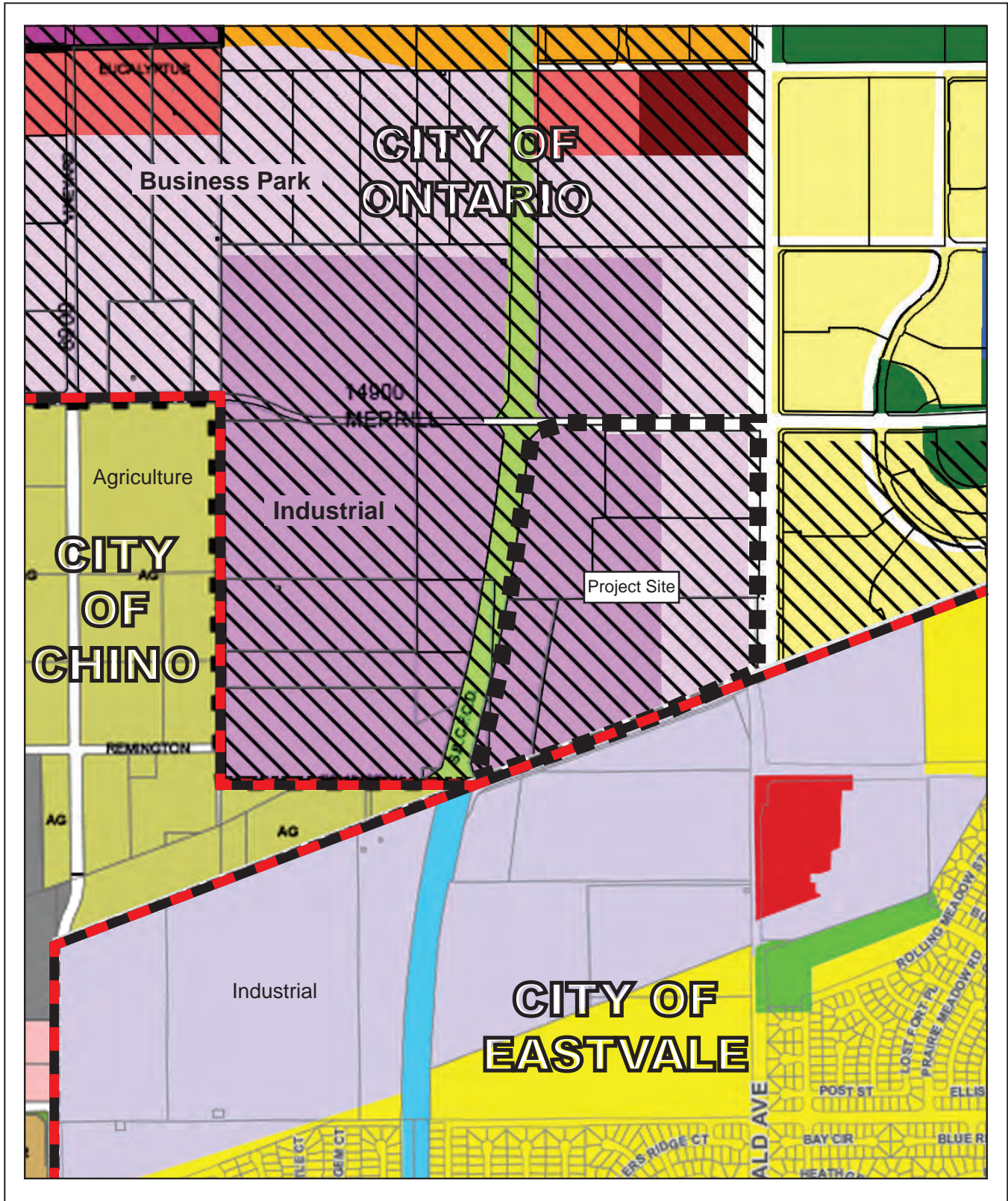
The City of Ontario Zoning Code states that specific plans are created to enable land to be planned and developed as coordinated, comprehensive projects providing for the systematic implementation of the Ontario General Plan. The Colony Commerce Center East Specific Plan will implement the Ontario General Plan as it relates to the Specific Plan area.

2.11 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Policy plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan.

The Colony Commerce Center East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in Appendix A1 describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan policies applicable to the project.

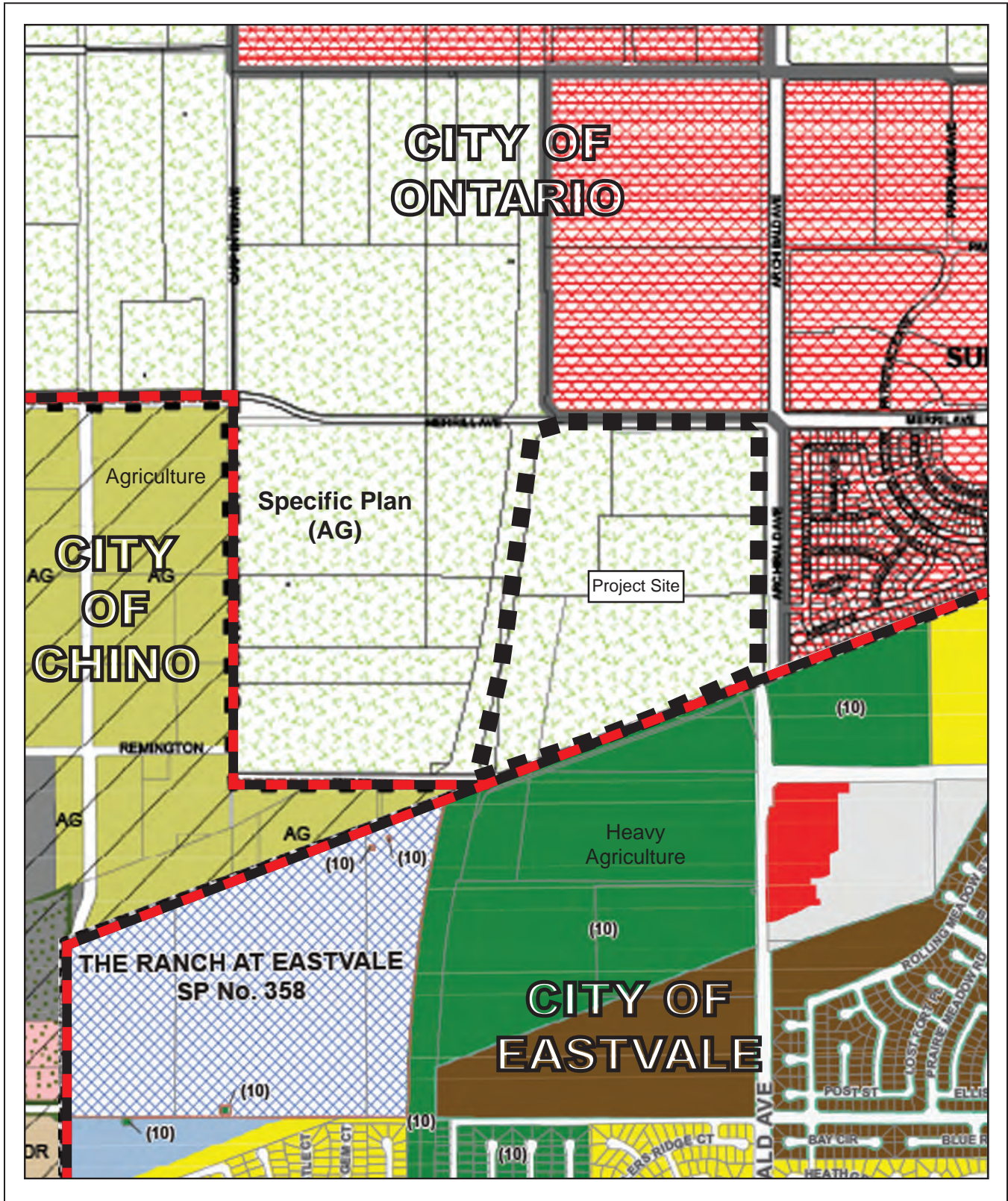
Exhibit 2.2, Existing General Plan Land Use Designation



Source: Exhibit LU-01 (Land Use Plan) 2010



Exhibit 2.3, Existing Ontario Zoning Map



Source: City of Ontario Zoning Map



3

EXISTING CONDITIONS

3.1 Existing Land Use

The project site has historically been used for agricultural purposes, primarily for dairy and field crop farming. The project site is mostly undeveloped with existing agricultural operations scattered throughout the area. Rural residential housing, farm buildings, and other ancillary facilities occupy those areas not in active agricultural production. Exhibit 3.1, depicts the current aerial photography of the specific plan area.

3.2 Surrounding Land Uses

Current agriculture uses such as dairy and field crop farms are located directly north and to the west of the Colony Commerce Center East Specific Plan area. In the City of Ontario General Plan, these areas are designated for Industrial and Business Park uses.

North and East of the project site, is a residential specific plan called Subarea 29 or “Park Place Ontario.”

Directly south of the project, in the City of Eastvale, agricultural uses currently exist. However, in the future industrials uses are anticipated.

All of the surrounding properties, including the project site, are located in The Chino Airport Overlay. See Exhibit 3.2, Surrounding Land Uses, for the various land uses that surround the Colony Commerce Center Specific East Plan Area.

3.3 Policy Plan and Zoning

The City’s General Plan designates the project site for the following land use:

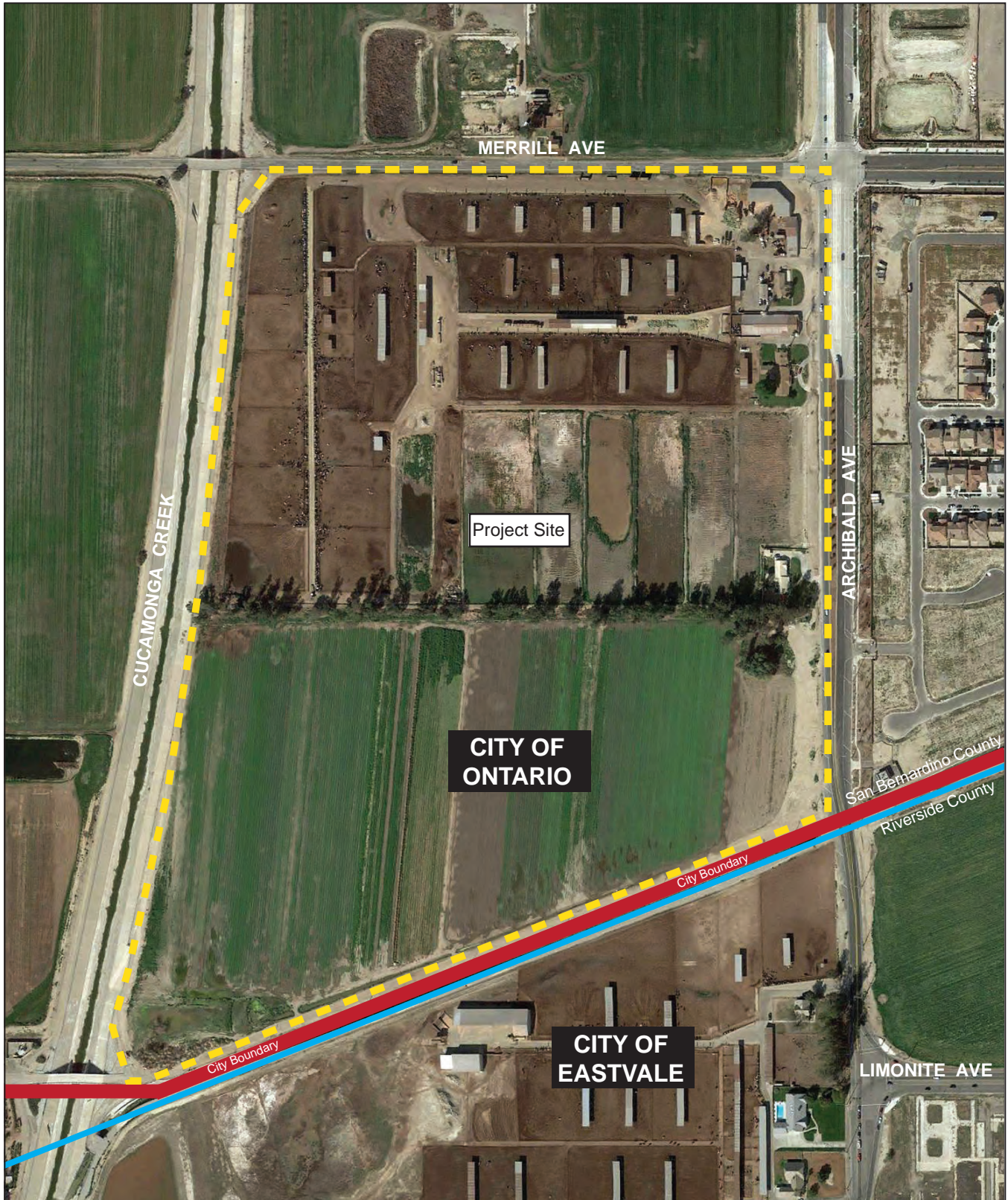
- » Industrial (0.55 FAR) - Approximately 59.3 gross acres of industrial uses on the site allowing for a total development up to 1.4 million square feet at a Floor Area Ratio (FAR) of 0.55.
- » Business Park (0.60 FAR) - Approximately 35.19 gross acres of business park uses on the site allowing for a total development up to 920 thousand square feet at a Floor Area Ratio (FAR) of 0.60.

The project site is zoned AG-Specific Plan. A specific plan is required by the City in order to comprehensively plan for development of industrial and business park uses within the project site.

3.4 Airport Land Use Compatibility Plan (ALUCP) Consistency

The Project Site is located within the Airport Influence Areas of Chino Airport and Ontario International Airport (ONT). The EIR prepared for the Colony Commerce Center East Specific Plan identifies potential impacts from Chino Airport and ONT and includes criteria for addressing any potential impacts.

Exhibit 3.1, Aerial Photograph



Source: Google Maps



Exhibit 3.2, Surrounding Land Uses



Source: Google Maps



3.5 Topography

The project site is relatively flat and gently falls to the south at an average gradient of approximately 1.0% to 2.0%. The existing topographic conditions for the Specific Plan area are illustrated on Exhibit 3.3, Existing Site Topography.

3.6 Williamson Act Status

The Williamson Act program is designed as a mechanism for the preservation of agricultural and open space lands in the State of California. Within the Specific Plan, only one Williamson Act contract is active on the five parcels that make up the project site. It is anticipated that the current land owner will initiate and cancel the contract as part of the development process.

3.7 Hydrology

Since most of the project site has been in agricultural use, only a limited portion of the site is now covered with impervious surfaces. Normal rainfall to the area is able to percolate through on-site soils and does not result in high volumes of surface runoff, as is typically associated with urban use.

During periods of heavy rainfall, when ground surfaces are saturated, surface runoff is collected in the existing storm drains, culverts, and retention basins located within the project site.

The existing storm drain system throughout the project site is generally unimproved and consists primarily of open earthen swales along area roadways or curbed roadway surfaces. The EIR prepared for the Colony Commerce Center East Specific Plan includes additional hydrology information for the project site.

3.8 Biology

The project site has been extensively used for agricultural operations including dairy and field crop uses. Those limited areas not in active agricultural production are occupied by rural residential housing or are vacant.

The natural vegetation and the project site as a whole have been significantly altered through agricultural use, leaving little to no native vegetation. The EIR prepared for the Colony Commerce Center East Specific Plan includes an evaluation of vegetation and biological resources.

3.9 Existing Circulation and Access

3.9.1 Regional Circulation

Interstate 15 (I-15) is located approximately 3 miles east of the project site. Access from the project site to the I-15 exists at Limonite Avenue within Riverside County. State Route 60 (SR-60) is located approximately 3.25 miles north of the project site.

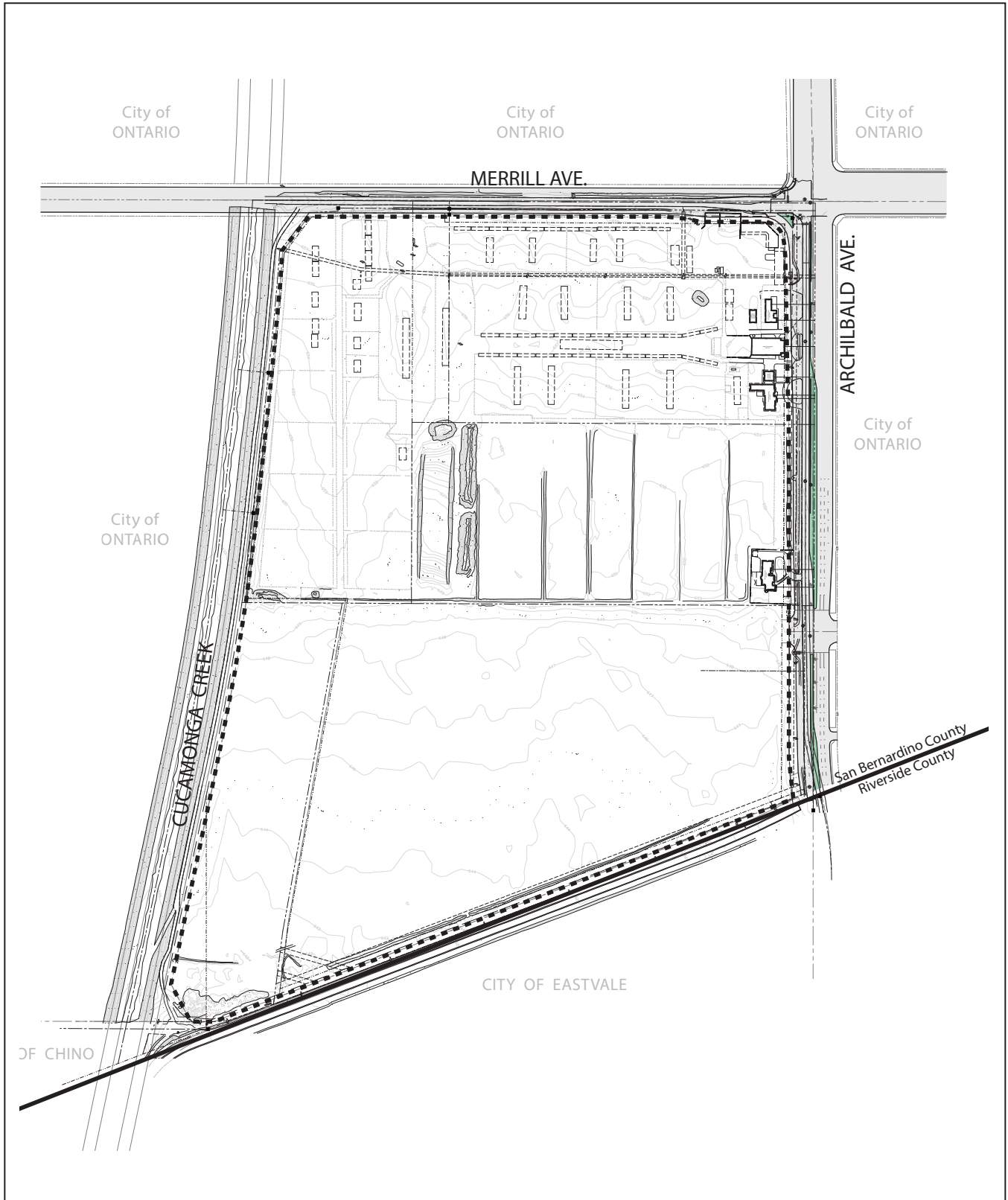
Access to the project site from SR-60 exists from Archibald Avenue, which connects to Merrill Avenue abutting the project site on the north. Euclid Avenue (SR-83) is located approximately 3 miles west of the project site. Access from the project site to Euclid Avenue exists from Merrill Avenue which abuts the project site to the north.

3.9.2 Local Circulation

Local access to the project site is provided from Merrill Avenue, and Archibald Avenue.

- » Merrill Avenue abuts the project site on the north and provides two paved travel lanes. The General Plan designates Merrill Avenue as a 4-lane Collector Street.
- » Archibald Avenue abuts the project site on the east with two travel lanes. The General Plan designates Archibald Avenue as a 6-lane Divided Arterial.

Exhibit 3.3, Existing Site Topography



Source: David Evans & Associates

N. T. S.

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4

LAND USE PLAN

4.1 Introduction

The overall land use concept for the Colony Commerce Center East Specific Plan takes advantage of the site's proximity to airports and regional freeway access.

The land use concept provides for a range of industrial and business park uses, while offering a variety of development and employment opportunities. The land use in this area also provides opportunities for a broad range of industries to accommodate an ever-changing business and industrial environment.

4.2 Land Use Plan

The circulation patterns, utility systems and overall design of the plan can meet these changes in demand. This is an important concept in a region that is experiencing rapid growth (see Exhibit 4.1, Land Use Plan).

The planned business park area, PA-1, will include primarily office, commercial uses, and multi-tenant/flex space buildings.

The planned industrial area, PA-2 and PA-3, will include wholesale and distribution, light manufacturing and businesses with high-value, time-sensitive merchandise that would benefit from proximity to an airport.

The land use regulations for the Colony Commerce Center East Specific Plan will allow some flexibility in the location, mix and intensity of industrial and business park uses so that as market demands change and as businesses expand or contract over time, the

Specific Plan can respond and adapt to meet those needs. An illustrative site plan is shown on Exhibit 4.1, Land Use Plan.

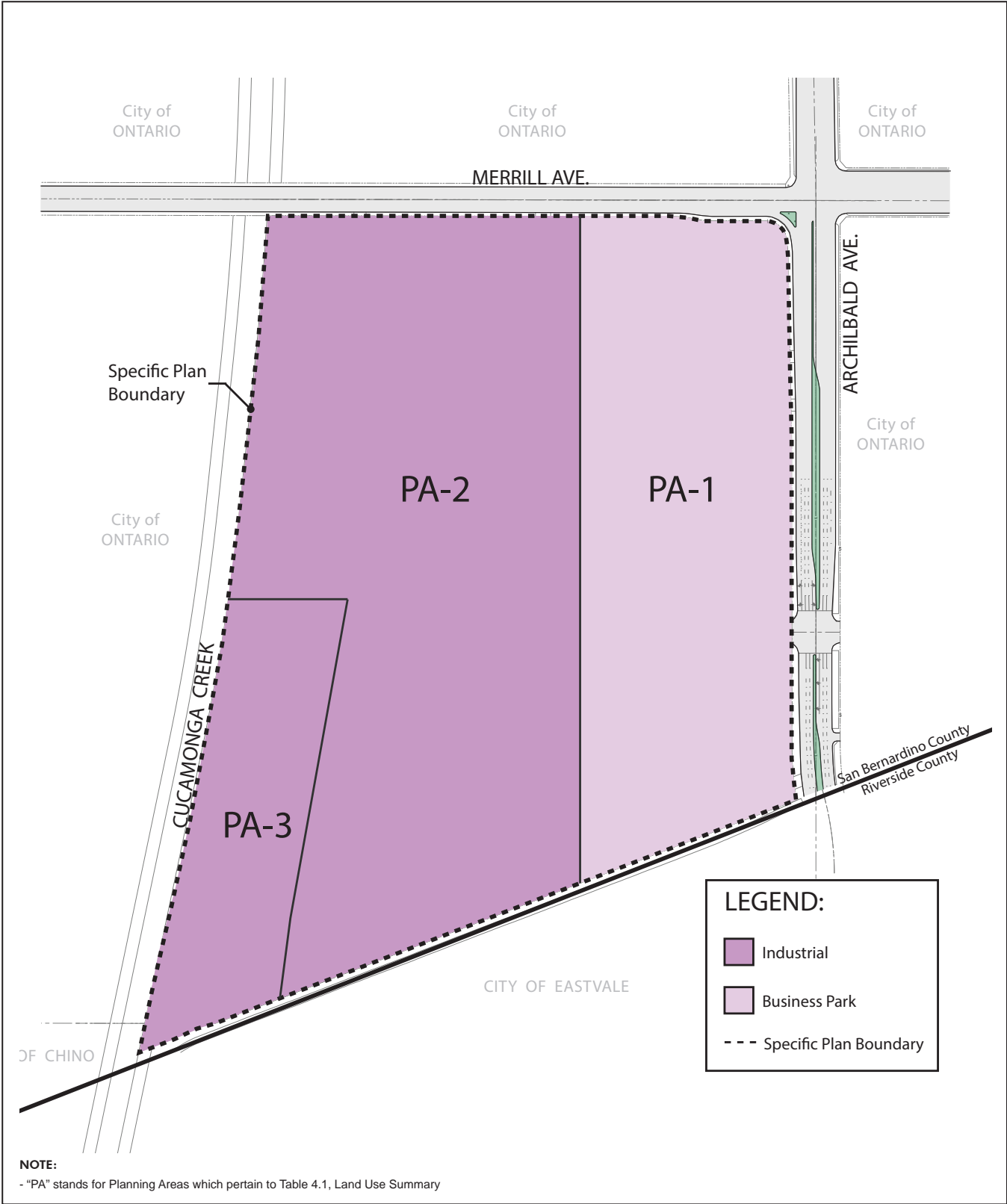
The land use intensity anticipated in the three planning areas is shown on Table 4.1, Land Use Summary. The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum FAR permitted in the Ontario General Plan.

Table 4.1 identifies the anticipated build out of the Specific Plan area. Specific uses may be developed as identified as permitted in Table 6.3, Permitted Uses.

Table 4.1, Land Use Summary

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Business Park	35.19 ac	919,725 SF	0.60
PA-2	Industrial	49.65 ac	1,189,514 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,340,434 SF	

Exhibit 4.1, Land Use Plan



Source: Douglas Franz Architects



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5

CIRCULATION, INFRASTRUCTURE AND PUBLIC SERVICES

The infrastructure, utilities, and public services to be provided as part of the development of the Colony Commerce Center East Specific Plan are discussed in this section.

5.1 Circulation

The circulation plan for Colony Commerce Center East reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the project. Exhibit 5.1, Circulation Plan establishes the hierarchy and general location of roadways within Colony Commerce Center East.

The minimum design speeds to be used for center line curve radii, super elevation, corner and approach site distances, vertical and horizontal alignment, and sight distances for the Master Plan of Streets will comply with City Standards below:

- » Merrill Avenue: 45 mph
- » Archibald Avenue: 50 mph

5.1.1 Master Plan Roadways

The project site is bounded on the north by Merrill Avenue, a City of Ontario Collector Roadway as identified in Exhibit 5.2, Functional Roadway Classification Plan, providing access to and from the site.

Archibald Avenue bounds the project site on the east.

The Cucamonga Creek Channel, a non-vehicle open space area bounds the project site to the west.

A traffic study prepared as part of the project's EIR may identify the need for additional access point traffic controls, and/or additional rights-of-way at critical intersections and access points to accommodate lanes for left or right turn movements.

The developer shall be responsible for those improvements as determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and/or Conditions of Approval established on the approved tentative maps for the project.

Phasing and construction of the improvements shall be implemented as required by the City Engineer and pursuant to the mitigation measures identified in the EIR and the conditions of approval adopted with the approval of tentative maps for the project. The locations and construction of bus turnouts may be required within the project to the satisfaction of the City of Ontario and Omnitrans.

5.1.2 Merrill Avenue

The Mobility Element of the Policy Plan (Figure M-2 Functional Roadway Classification Plan) designates Merrill Avenue as a 4-Lane Collector Street with a Class II bikeway and multipurpose trail. Merrill Avenue will provide east/west access to Colony Commerce Center East at the

northern boundary of the project site. The proposed improvement to Merrill Avenue are illustrated in Exhibit 5.3a, Merrill Avenue. Parking is prohibited along Merrill Avenue.

The existing Merrill Avenue bridge crossing over Cucamonga Creek will be designed and constructed in accordance to the Ontario Master Plan of Streets and Highways.

5.1.3 Archibald Avenue

Archibald Avenue bounds the project site to the east and will provide north/south access to and from the Colony Commerce Center East Specific Plan area. Archibald Avenue is designated as a 6-Lane Divided Arterial. Exhibit 5.3b, illustrates the ultimate improvements to Archibald Avenue.

There is a multipurpose trail on the west side of Archibald Avenue along the specific plan frontage. On-street parking is not allowed on Archibald Avenue. Intersections and driveways shall be shown/designed in accordance to the Ontario Master Plan of Streets and Highways, the Traffic and Transportation Design Guidelines and coordinated with the City of Eastvale if necessary.

5.1.4 Pedestrian Circulation

In addition to vehicular circulation, a pedestrian circulation system utilizing the sidewalks will be provided within the Colony Commerce Center East Specific Plan.

Sidewalks will be provided along all streets abutting the Specific Plan area, and will be a minimum of five (5') feet in width. Sidewalks shall be constructed of concrete as part of the adjacent roadway improvements.

5.1.5 Bicycle Circulation

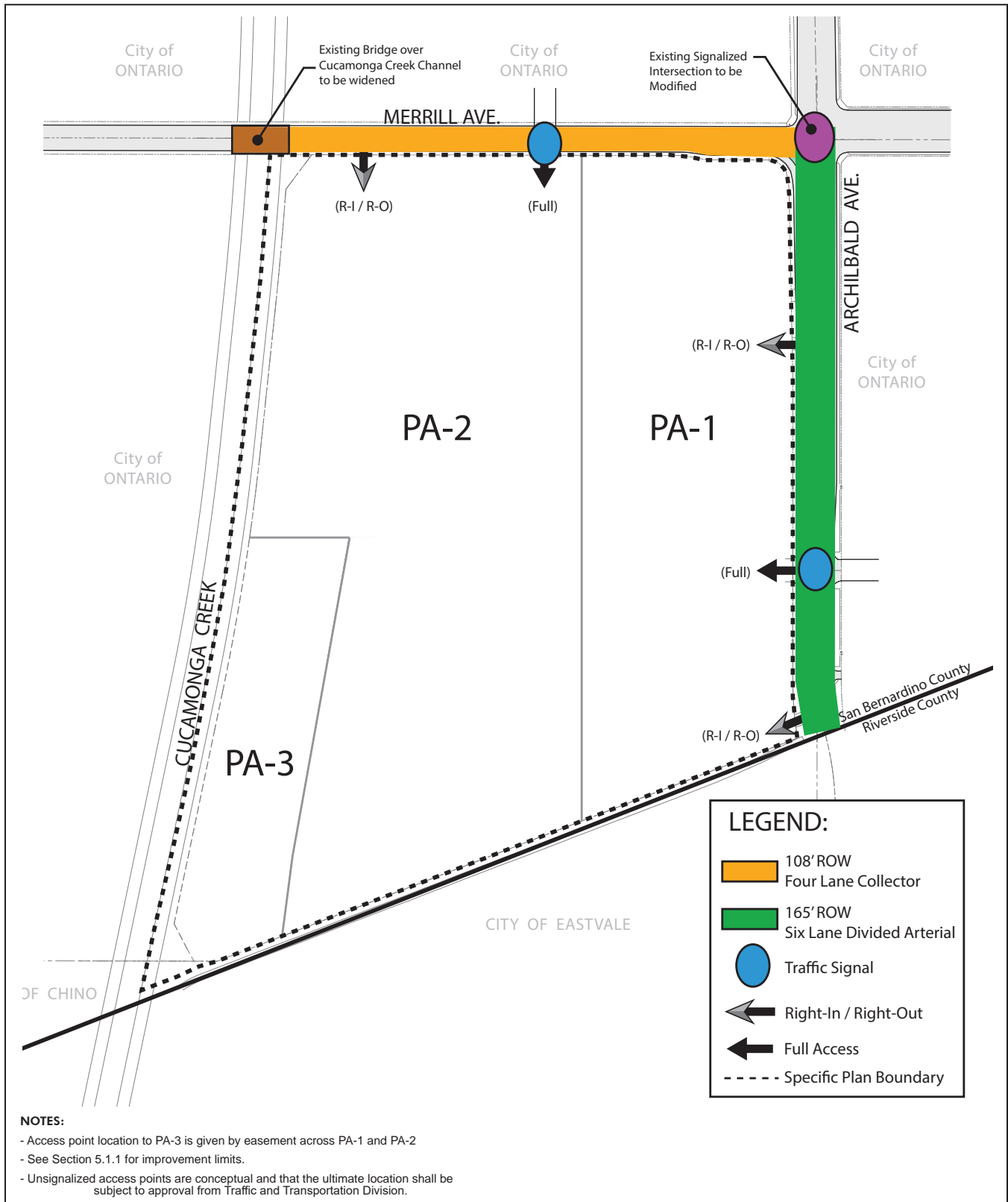
Bicycle trails are an integral element in creating accessibility and mobility within the Specific Plan. A Class I bicycle bikeway will be provided within the Cucamonga Creek Channel as illustrated in Exhibit 5.3c. The Specific Plan will construct trail connections to link

the bikeway along Cucamonga Creek Channel with the on-street bicycle system.

The Mobility Element of the Policy Plan (Figure M-1 Mobility Element System) designates a Class II Bikeway & Multi-purpose Trail along Merrill Avenue. These bike paths will provide linkages to the City's master planned bike paths system. General timing and responsibility will be discussed in the Development Agreement.

Refer to Exhibit 5.4, Pedestrian and Bicycle Circulation Plan, for locations of these paths and trails. Refer to Exhibit 5.5, City of Ontario Trails & Bikeway Plan to see how the Specific Plan connects to the larger network.

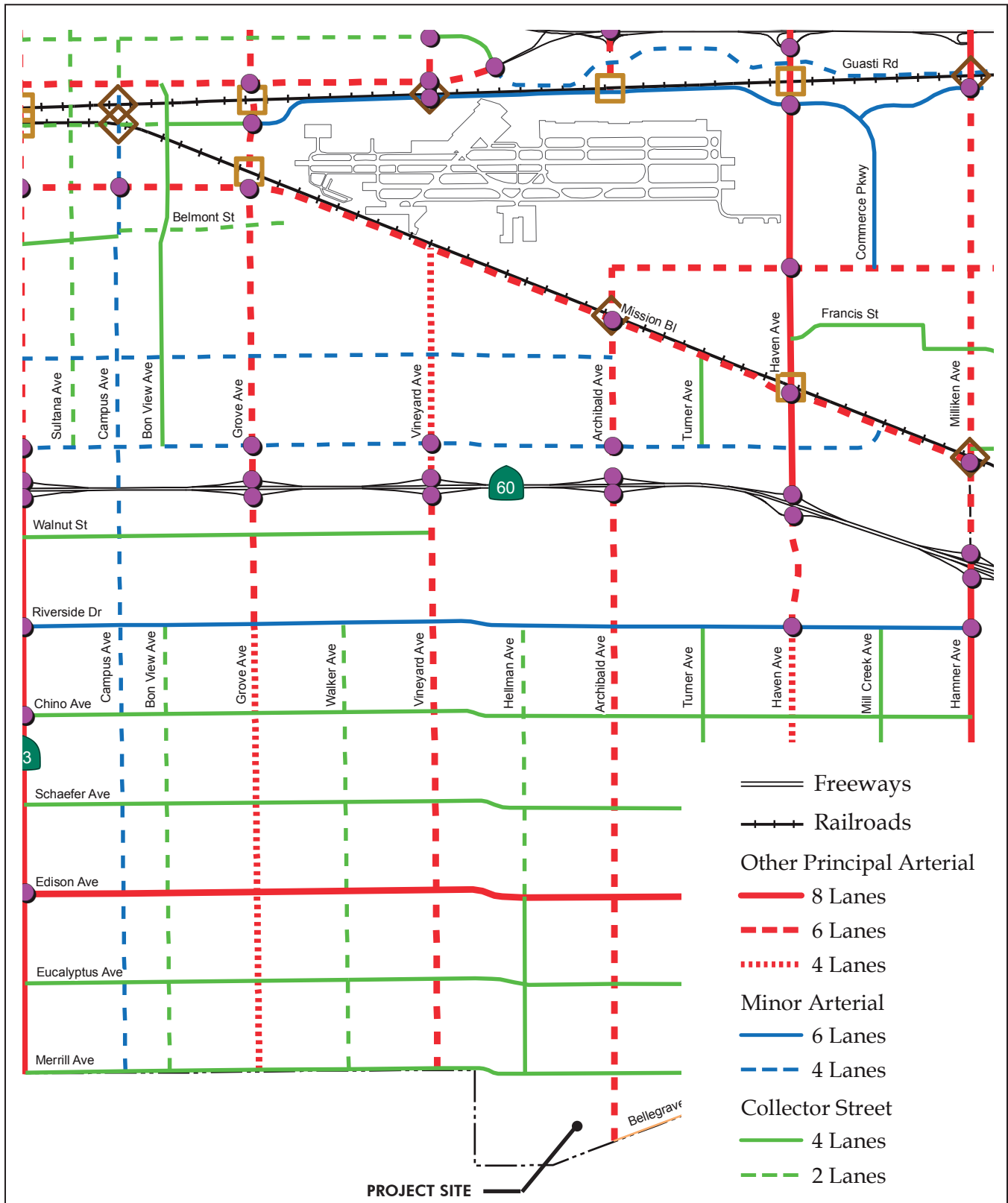
Exhibit 5.1, Circulation Plan



Source: KTG Group
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



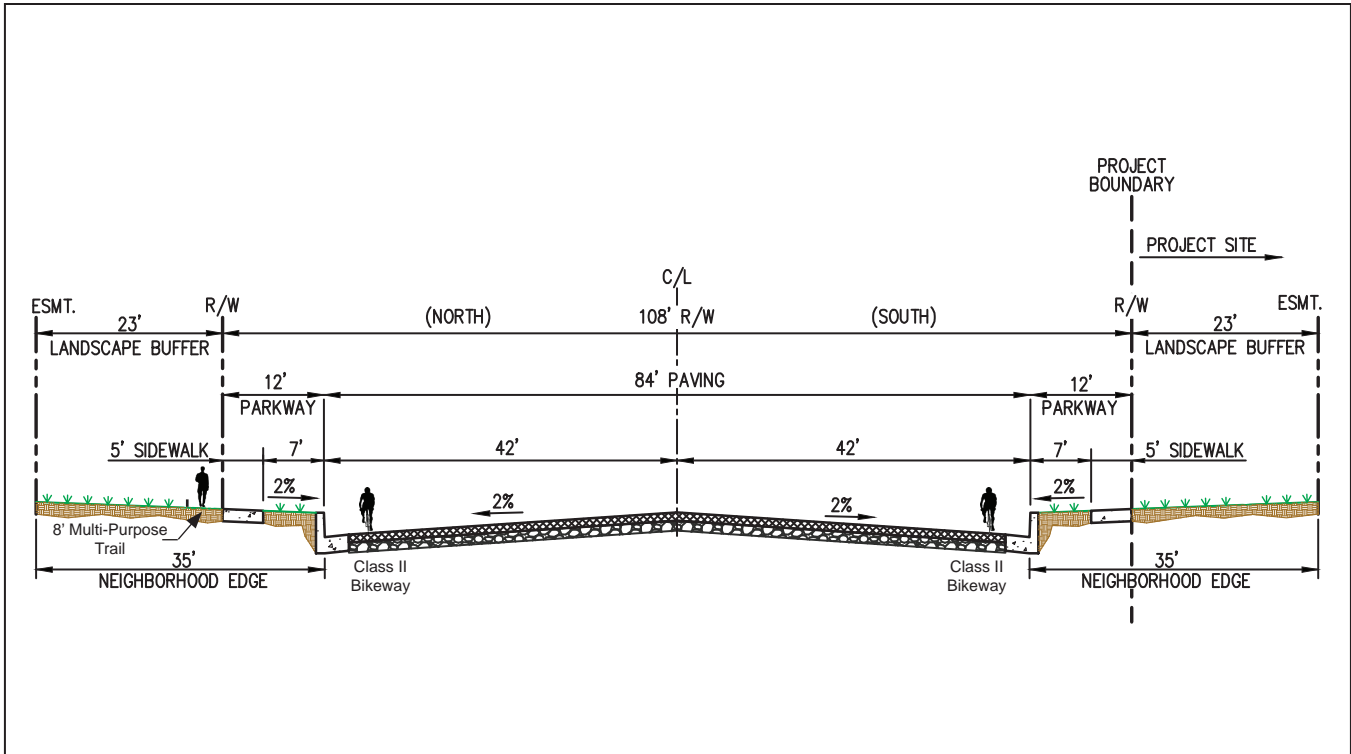
Exhibit 5.2, City of Ontario Roadway Classification Plan



Source: City of Ontario, Figure M-2 Functional Roadway Classification Plan
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

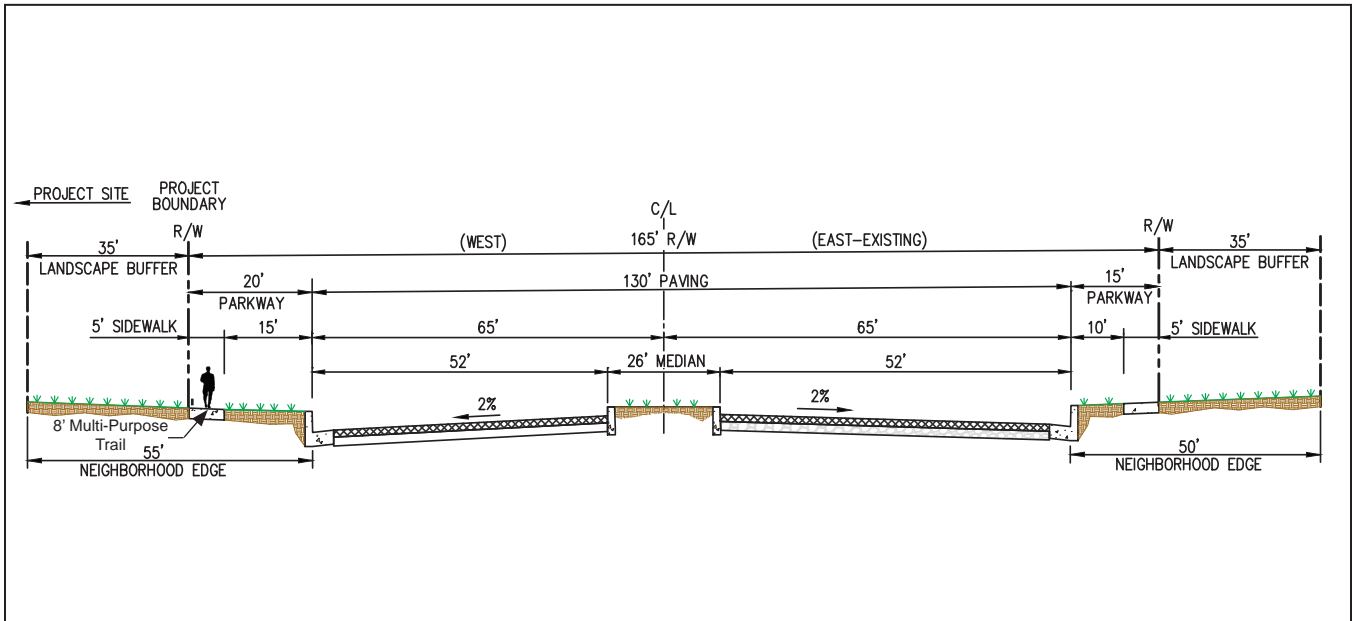


Exhibit 5.3a, Typical Street Cross Section - Merrill Avenue (108' ROW)



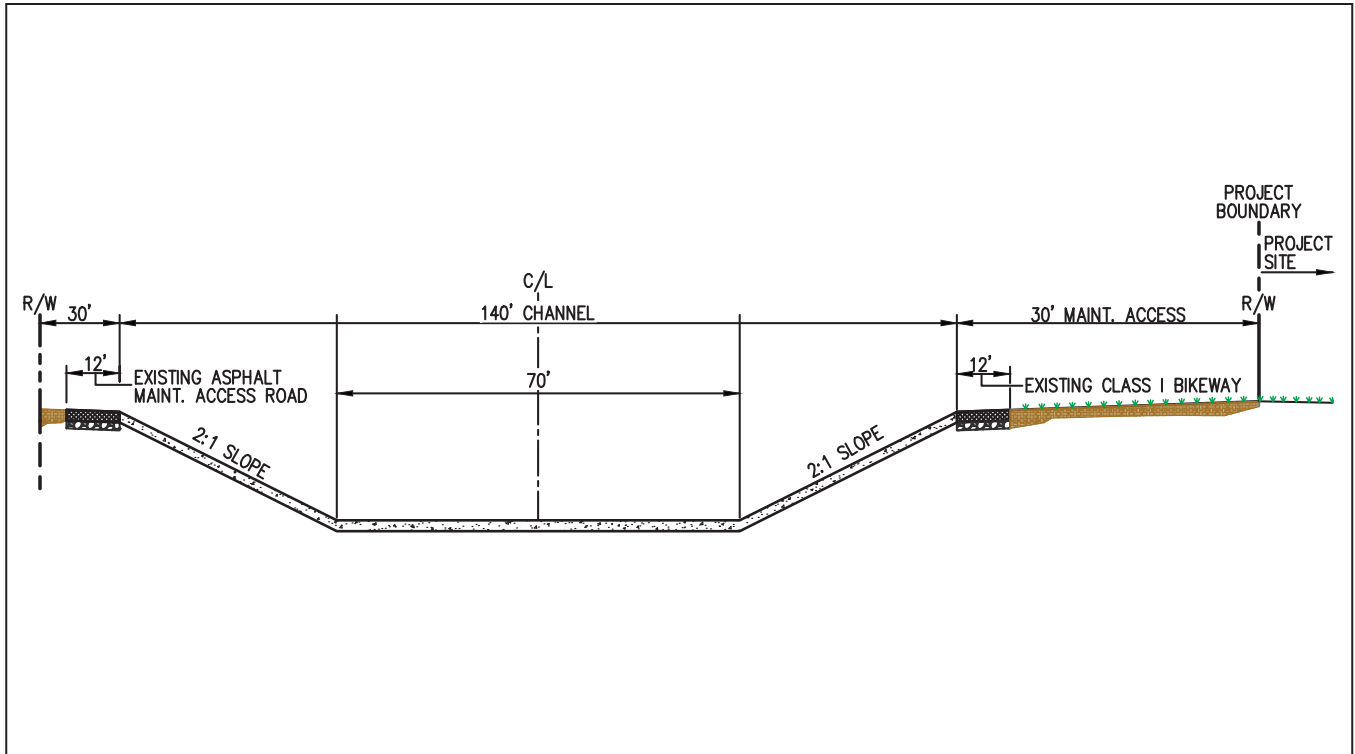
Source: David Evans & Associates

Exhibit 5.3b, Typical Street Cross Section - Archibald Avenue (165' ROW)



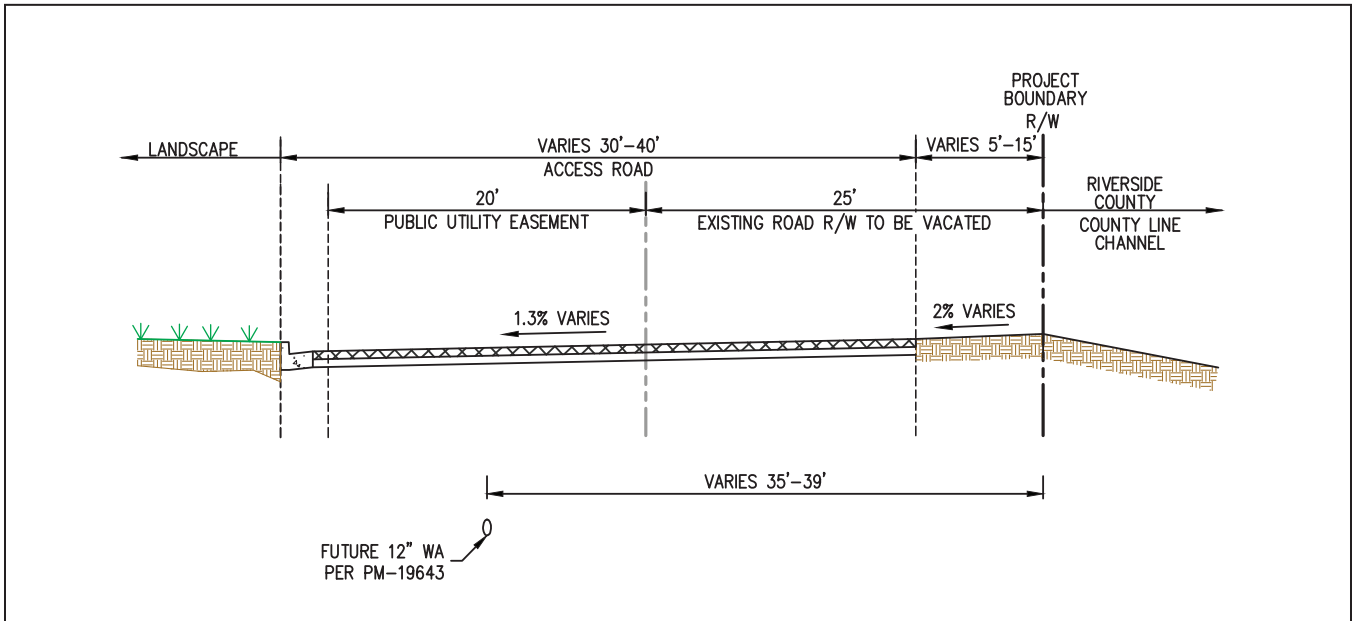
Source: David Evans & Associates

Exhibit 5.3c, Cucamonga Creek Channel



Source: David Evans & Associates

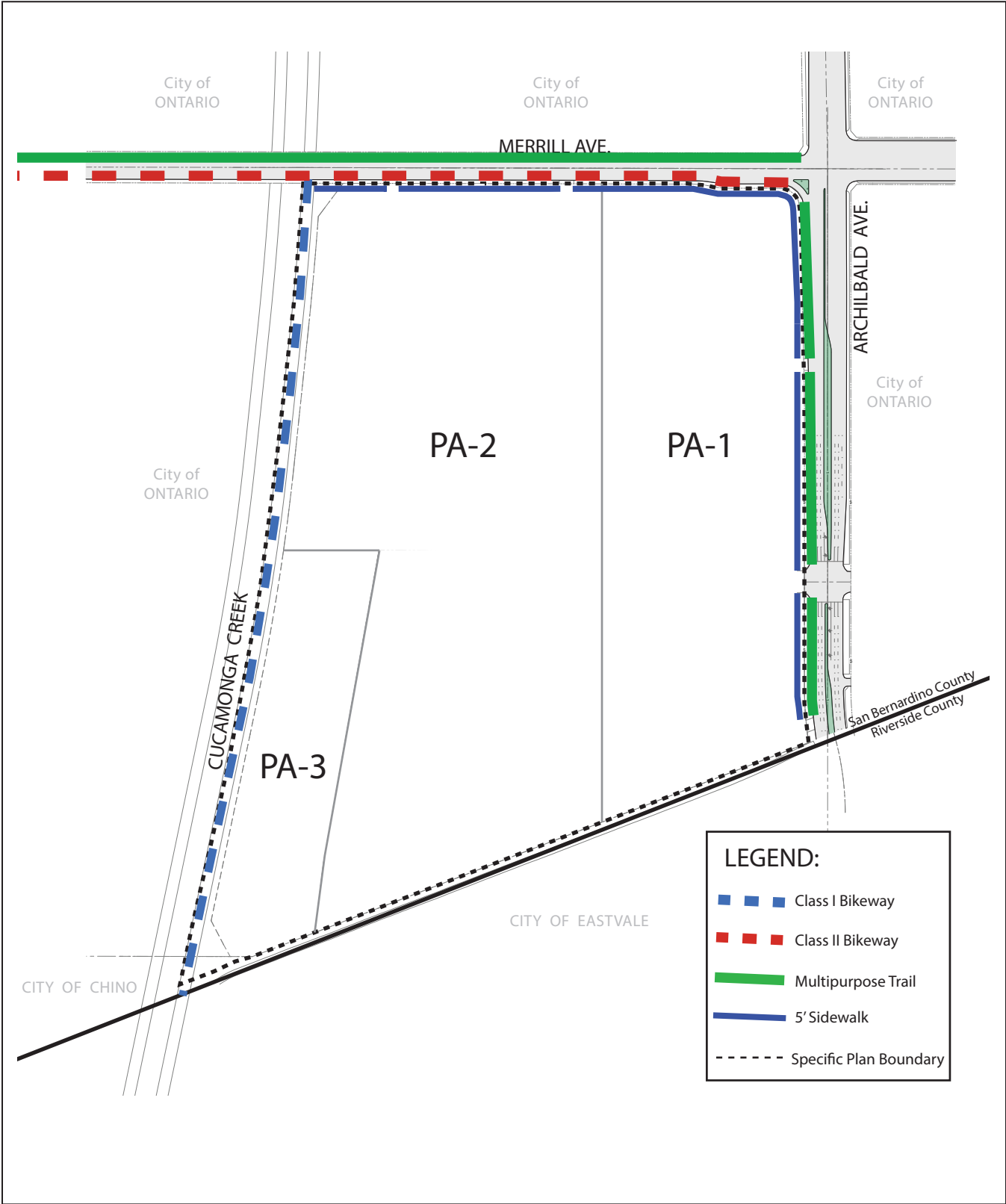
Exhibit 5.3d, Southerly Project Boundary



Source: David Evans & Associates

N. T. S.

Exhibit 5.4, Pedestrian and Bicycle Circulation



Source: KTG Group
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



Exhibit 5.5, City of Ontario Trails & Bikeway Plan

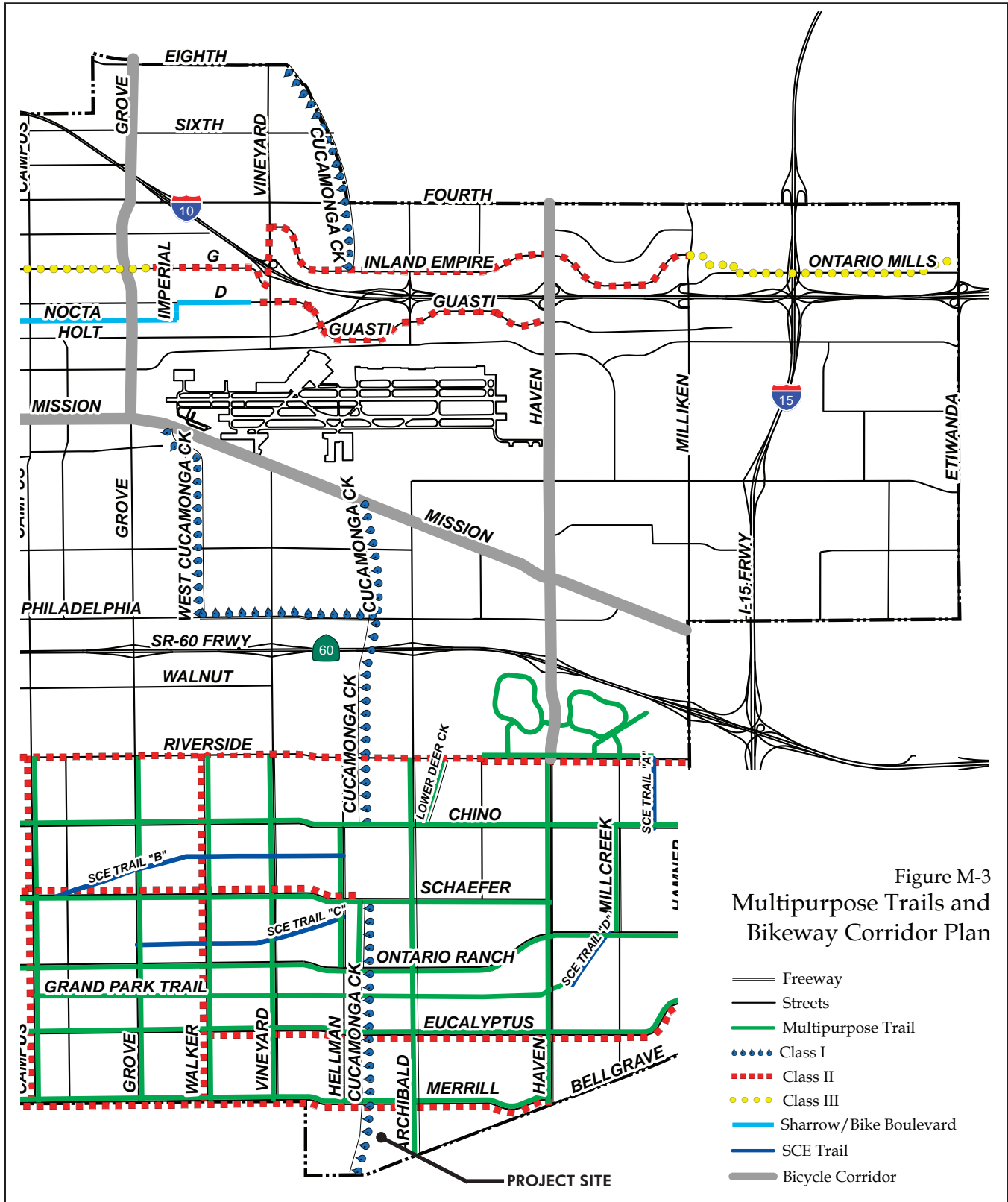


Figure M-3
Multipurpose Trails and
Bikeway Corridor Plan

Source: City of Ontario, Figure M-3 Multipurpose Trails and Bikeway Corridor Plan
NOTE: Reference the City's most current Master Plan for sizing/alignment.



5.2 Water Master Plan

Domestic water will be provided by the City of Ontario. The City's Water Master Plan identifies new water facilities to serve the Ontario Ranch area, which will need to be constructed prior to or concurrent with on-site water improvements.

All private agricultural wells located within each Parcel shall be destroyed per Cal Department of Water Resources prior to the issuance of a certificate of occupancy for any construction activity. Well destruction requires a permit from County Health Department. A copy of such permit shall be provided to Engineering and OMUC prior to issuance of certificate of occupancy.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.2.1 Master Planned Domestic Water System

The project site lies within the 925' Pressure Zone as depicted on Exhibit 5.6, City of Ontario Ultimate Water System. The ultimate improvements for domestic water will include a new 12" Master Plan water main in Merrill Avenue, from Archibald Avenue to Cucamonga Creek Channel, an existing 12" water main in Archibald Avenue, and a new 12" water main along the southerly property line, parallel to the County Line Channel, to the Cucamonga Creek Channel where it feeds Colony Commerce West as depicted on Exhibit 5.7, Domestic Water System. The new southerly water main will be in a new Public Utility Easement (PUE) granted by the Specific Plan Properties to the City.

Within the project site, a network of 8" and 10" water lines will be installed for the private fire system. The on-site water system includes connections to the main in Archibald Avenue and the main in Merrill Avenue.

The proposed on-site water system sizing is subject to the recommendations of the City Building Department.

5.2.2 Master Planned Recycled Water System

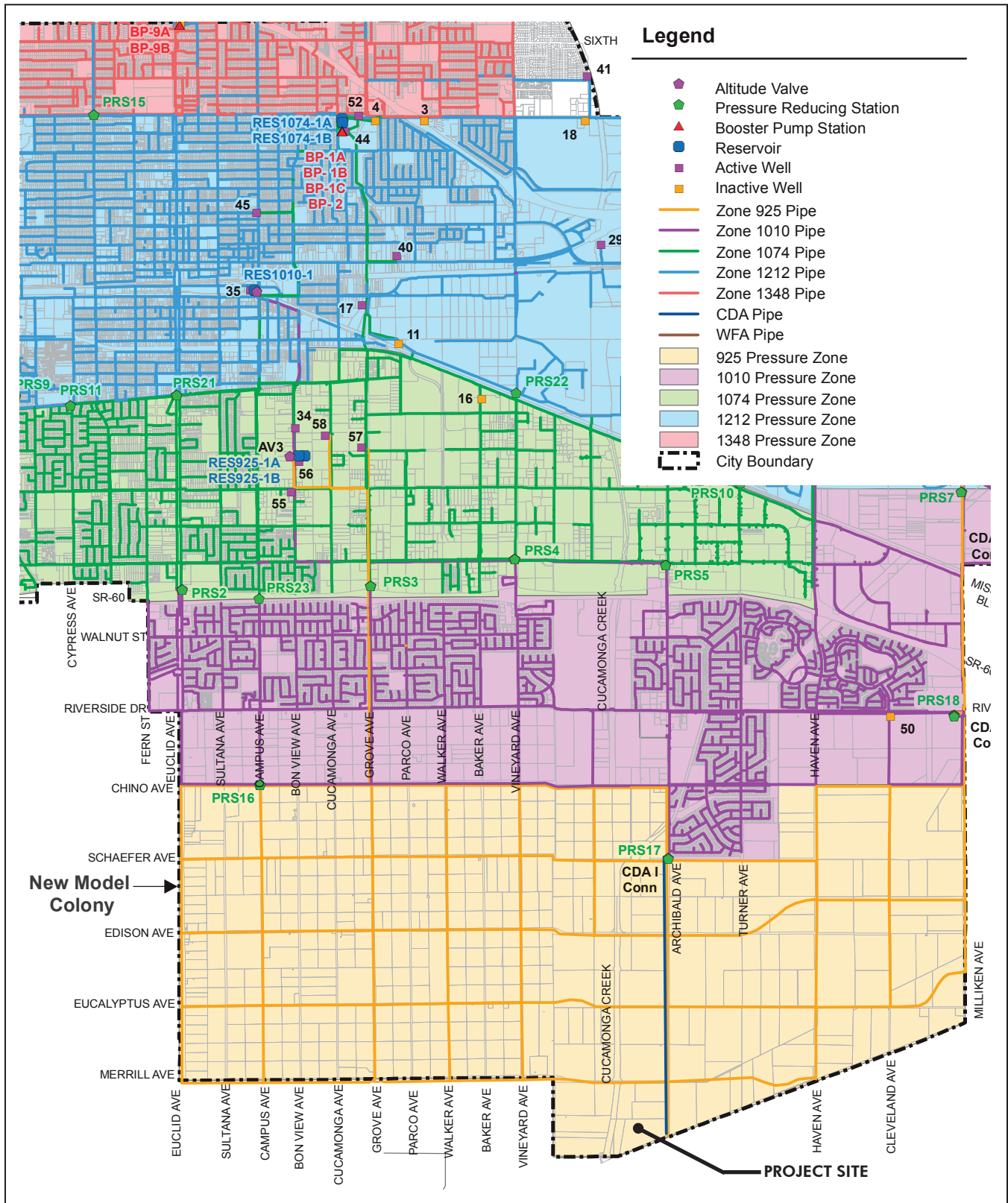
The City of Ontario will ultimately provide recycled water from IEUA's RP-1 and RP-1 outfall parallel located in Archibald Avenue and via City of Ontario recycled water improvements as presented in the City's Recycled Water Master Plan.

The project site lies within the 930' Pressure Zone as depicted on Exhibit 5.8, City of Ontario Ultimate Recycled Water System. The ultimate improvements for recycled water includes a new 12" Master Plan recycled water main in Merrill Avenue, from Archibald Avenue to Cucamonga Creek Channel, as depicted in Exhibit 5.8. Access for Recycled Water service to PA-3 is given by easement across PA-1 and PA-2.

The developer shall prepare and secure approval of an Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) prior to the use of recycled water. Sizing of the on-site system is subject to the City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation. Interim connection to potable water is not allowed.

Note: Reference the City's most current Master Plan for sizing/alignment.

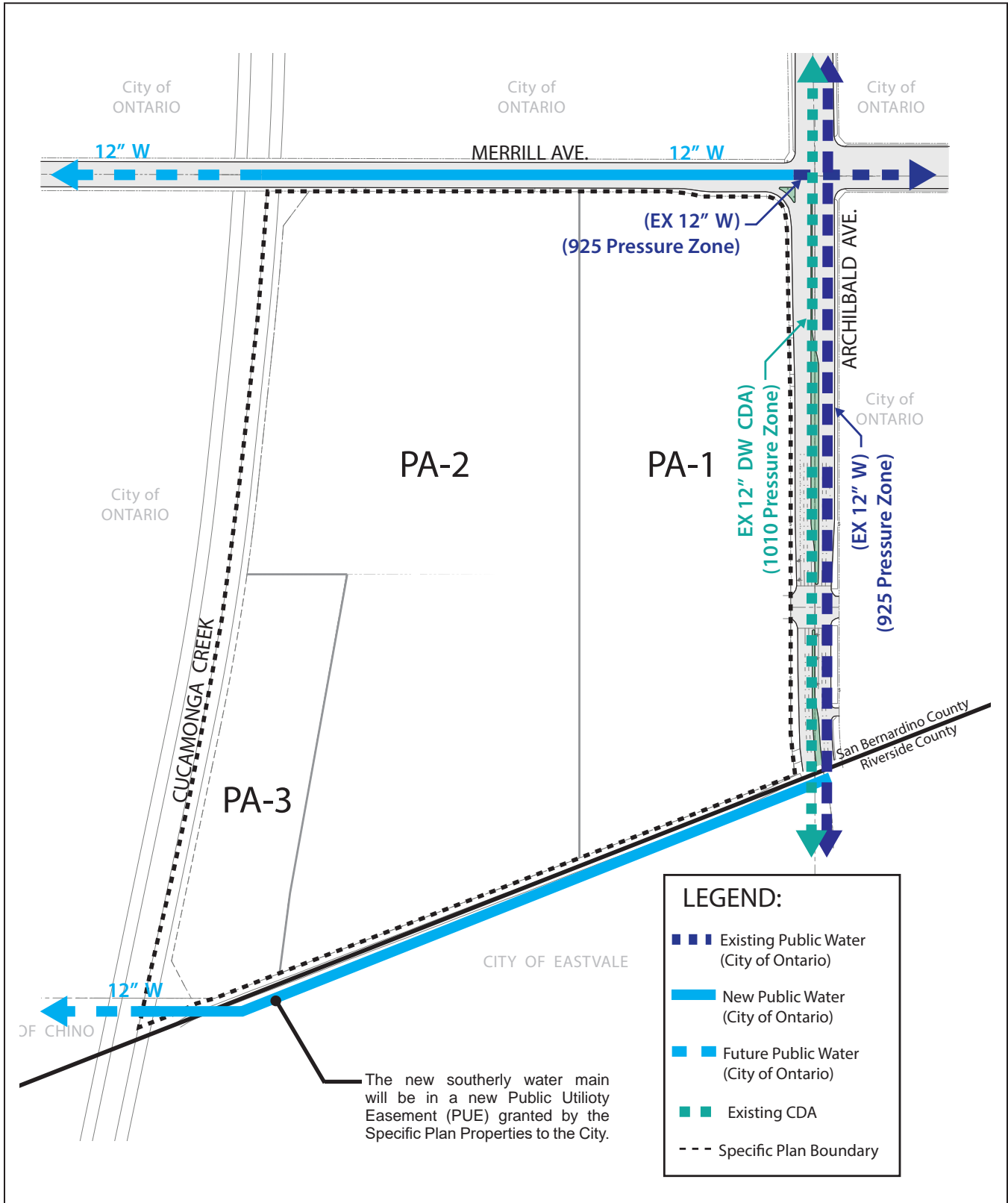
Exhibit 5.6, City of Ontario Ultimate Water System



Source: City of Ontario, Ultimate Water System (Figure 10-1) October 2011
 NOTE: Reference the most current Master Plan for sizing/alignment.



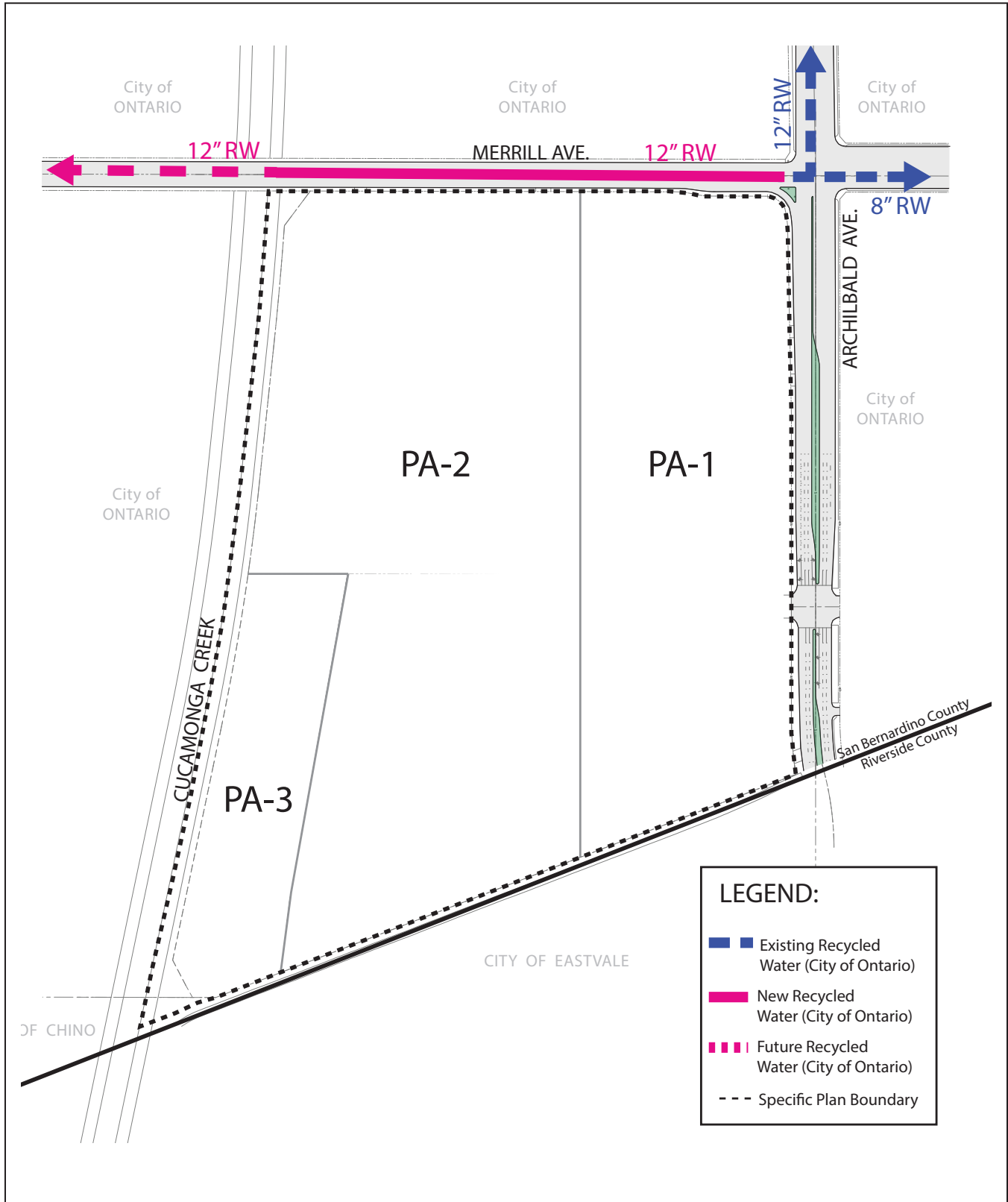
Exhibit 5.7, Domestic Water System



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



Exhibit 5.8, Recycled Water System



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.
 Access for Recycled Water service to PA-3 is given by easement across PA-1 and PA-2



5.3 Sewer Master Plan

Sewer service for Colony Commerce Center East will be provided by the City of Ontario. The City of Ontario Master Plan of Sewer as depicted on Exhibit 5.9, shows an existing 42” sewer main in Archibald Avenue joining the existing 42” IEUA Eastern Trunk Sewer at the intersection of Archibald Avenue and the County Line Channel and continues southwest along our southerly property line, parallel to the County Line Channel where it crosses Cucamonga Creek Channel.

The size and location of the on-site private sewer system required to service the buildings will be engineered during preparation of the final on-site construction documents. Onsite private sewer system and the site will be designed in such to minimize the number of new connection points to the 42-inch IEUA Eastern Trunk Sewer to as few as possible.

Note: Reference the City’s most current Master Plan for sizing/alignment.

5.4 Drainage

The City of Ontario Storm Drain Master Plan identifies storm drain improvements to serve the project site. Completion of these Master Plan improvements will provide storm water drainage for the properties within this specific plan.

The runoff that leaves the site drains to the lower reach of Cucamonga Creek a tributary of the Santa Ana River at Prado Reservoir. The site is a part of the 74 square mile drainage area that is tributary to the Creek. The total drainage area is bounded by the San Gabriel Mountains on the north, San Antonio Creek drainage area on the west, Day Canyon drainage area on the east and Prado Reservoir on the south. The channel has an approximate gradient of 40 feet per mile and is designed to carry 45,000 cfs at the Confluence with the County Line Channel just downstream of the project site.

The existing Storm Drain Master Plan indicates the properties within this specific plan as tributary to the

County Line Channel, running south of the property which confluences with the Cucamonga Creek.

The Master Plan of drainage for Colony Commerce Center East is illustrated in Exhibit 5.12 Drainage / Hydrology.

5.4.1 NPDES Compliance

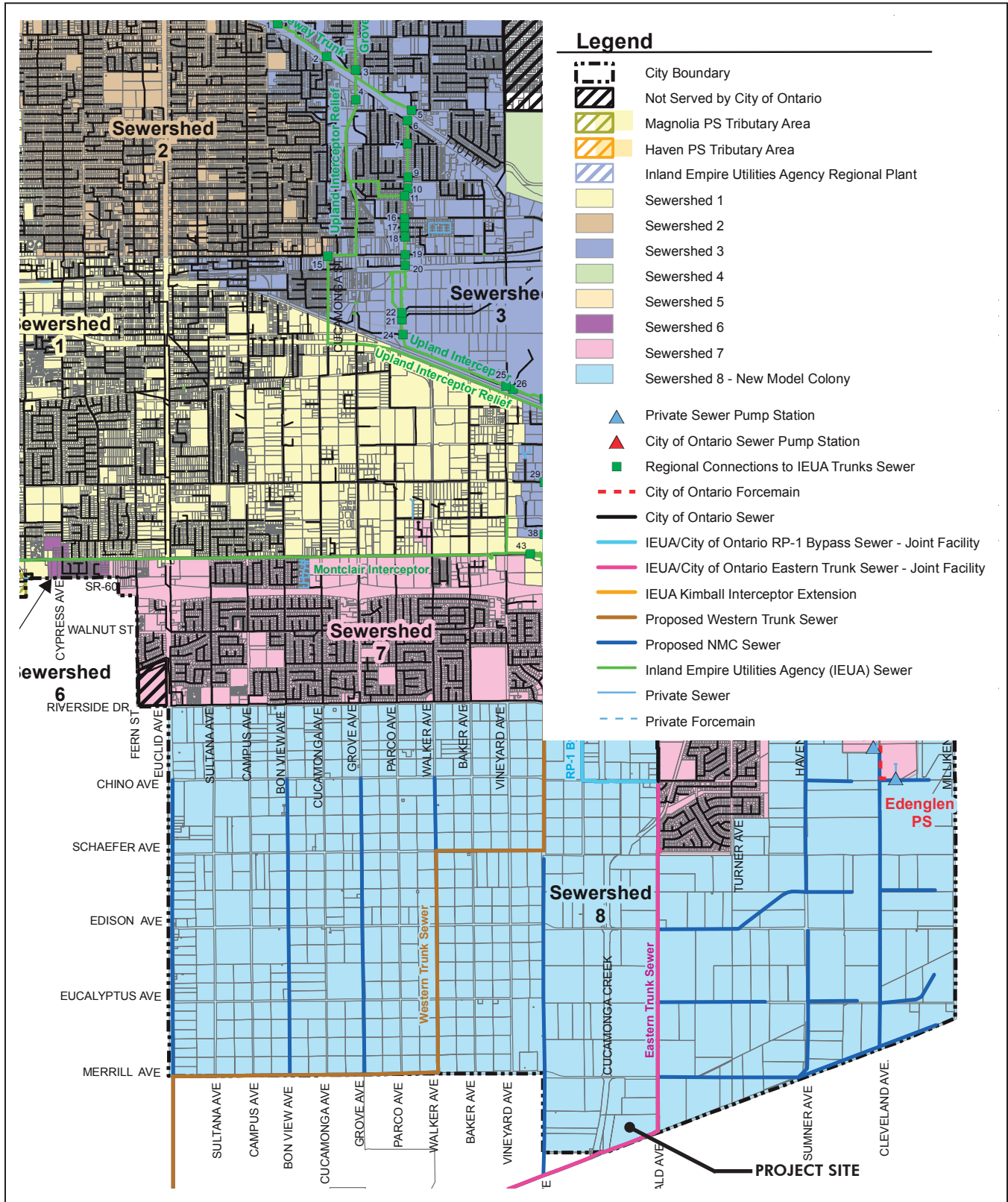
The grading and drainage of the Specific Plan Area shall be designed to retain/infiltrate or bio-treat surface runoff from 85th percentile storm events, in order to comply with the requirements of the San Bernardino County NPDES Storm Water Program’s current Water Quality Management Plan (WQMP) for new development projects.

The objective of the WQMP for the project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutant loading and changes in hydrology due to increased stormwater runoff from new development projects. These effects shall be minimized through the implementation of on-site and off-site Low Impact Development (LID) Best Management Practices (BMP’s) which retain/infiltrate or biotreat the average 2-year, 24-hour storm runoff volume (85th percentile storm event) from the project.

In addition, non structural and structural Source Control BMP’s shall also be implemented and documented in the projects approved Water Quality Management Plan(s) to reduce pollutant generation and transport from the project site.

Prior to the issuance of grading or construction permits for any development project that disturbs 1 acre or more of land, within the Colony Commerce Center East Specific Plan area, project applicants shall be required to obtain coverage under the California General Permit for Stormwater Discharges Associated With Construction And Land Disturbance Activities (CGP) and prepare Erosion/Sediment Control Plans and Storm Water Pollution Prevention Plans (SWPPP). The SWPPP shall

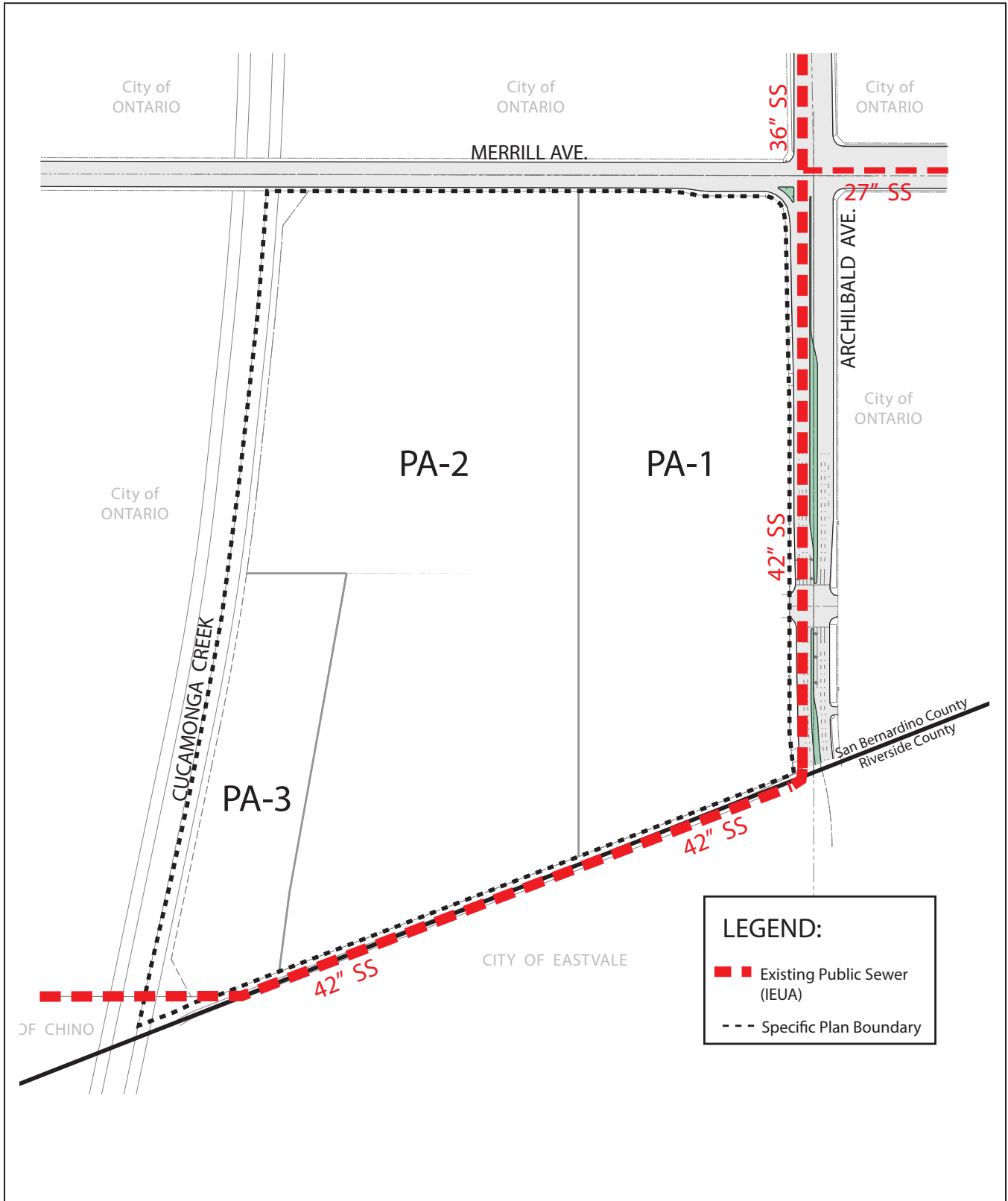
Exhibit 5.9, City of Ontario Ultimate Sewer System



Source: City of Ontario, Ultimate Sewer System (Figure 6-1) October 2011
 NOTE: Reference the most current Master Plan for sizing/alignment.



Exhibit 5.10, Sewer Master Plan



Source: David Evans & Associates

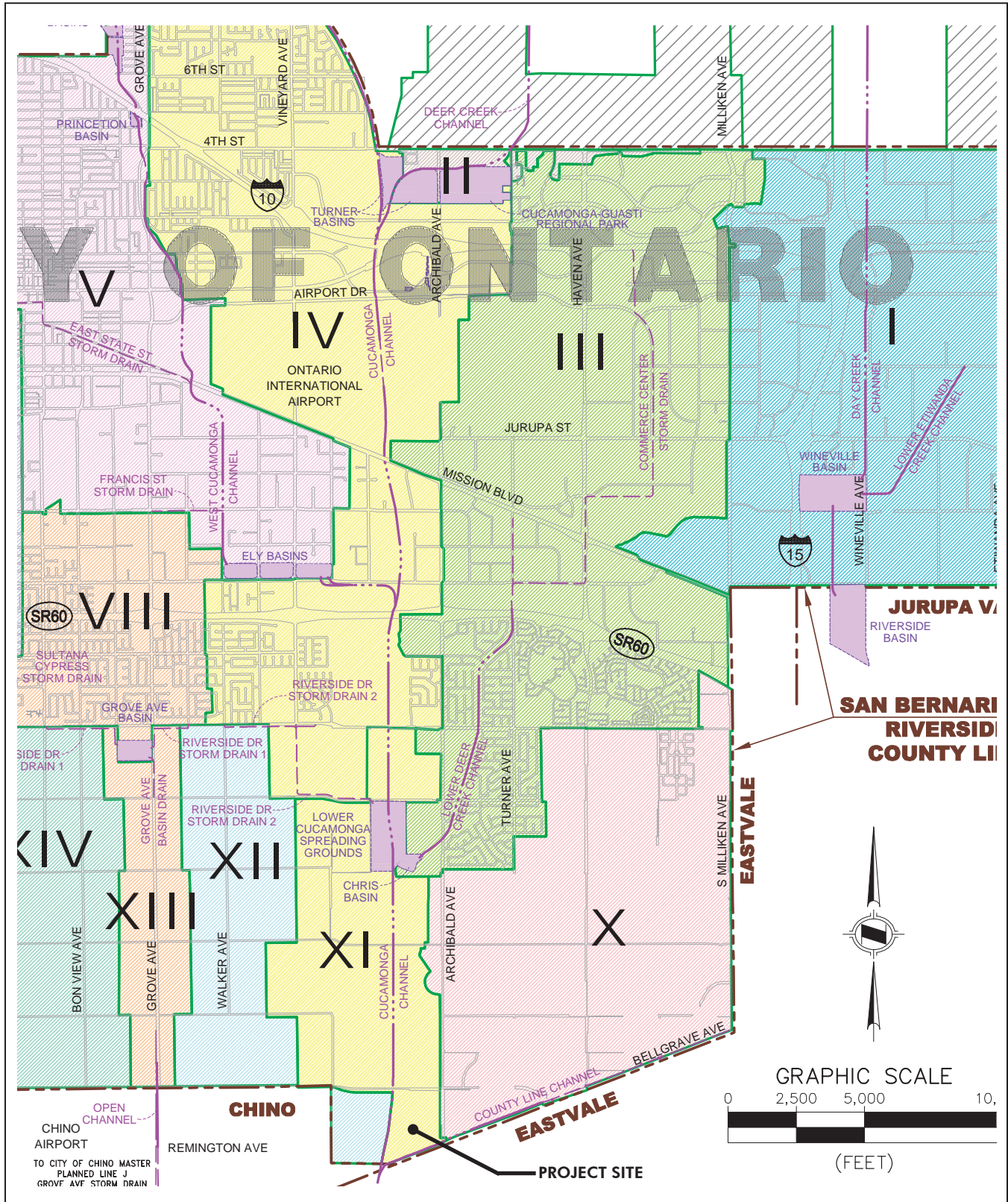
NOTE: Reference the City's most current Master Plan for sizing/alignment.



N. T. S.

PA-1 and PA-2 will be served by an onsite private sewer system. The Onsite private sewer system and PA-1 and PA-2 will be designed in such to minimize the number of new connection points to the 42-inch IEUA Eastern Trunk Sewer to as few as possible.

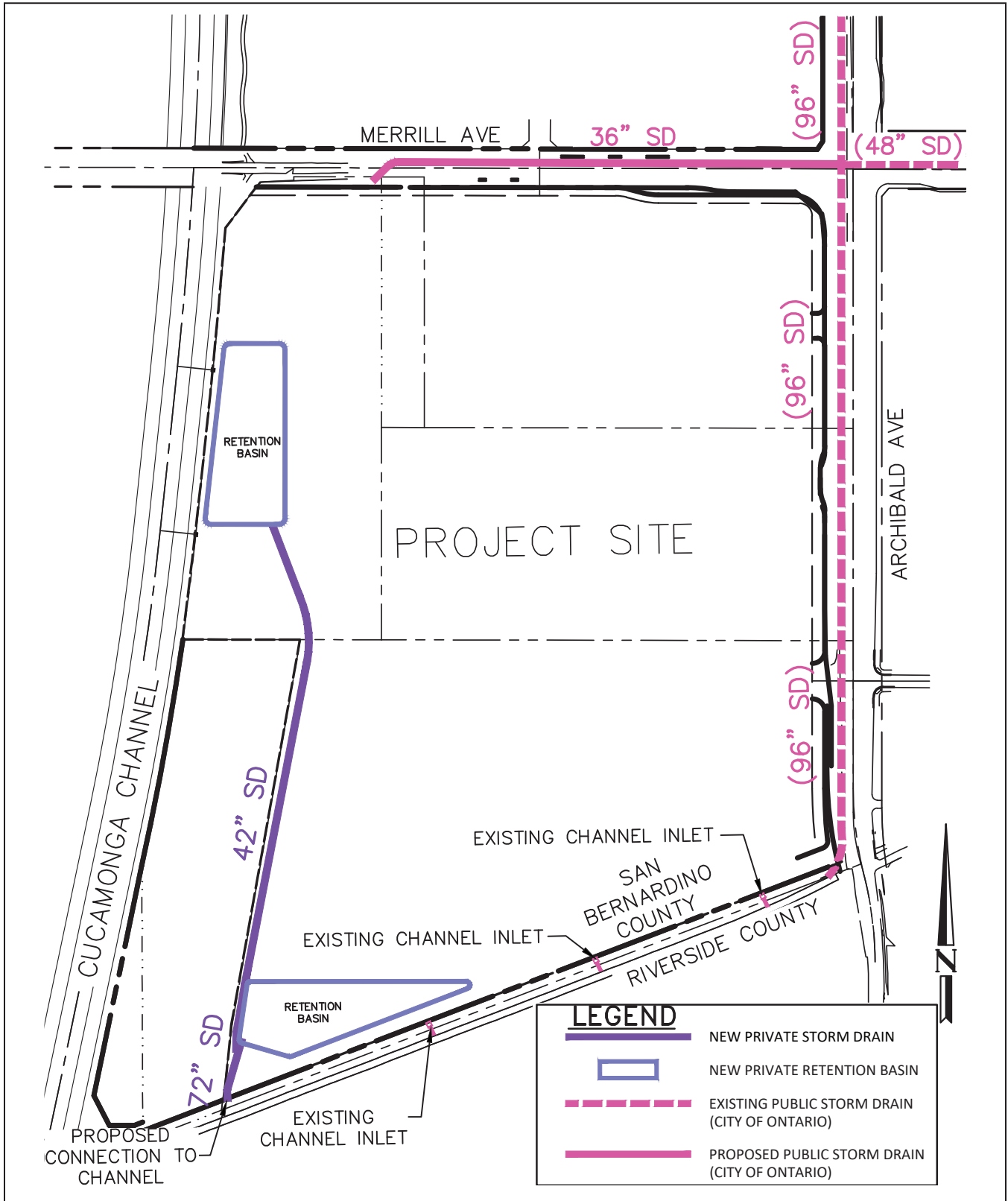
Exhibit 5.11, City of Ontario Drainage Area Map



Source: City of Ontario's Drainage Area Map (Exhibit 7), March 10, 2012
 NOTE: Reference the most current Master Plan for sizing/alignment.

N. T. S.

Exhibit 5.12, Drainage Plan / Hydrology



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

N. T. S.

be prepared to comply with California State Water Resources Control Board's (State Water Board) current CGP and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit."

The SWPPP shall identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction of the project.

5.5 Grading Concept

The project site generally slopes to the south at approximately 1.0% to 2.0%. The grading activities for Colony Commerce Center East will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads and streets. Where slope conditions are present, the project lot line shall be located at the top of a slope.

The Conceptual Grading Plan, as illustrated in Exhibit 5.13, Conceptual Grading Plan, provides a balance of cut/fills for the project. Grading plans for each tract within the project shall be reviewed and approved by the City of Ontario Building, Planning, and Engineering Departments prior to the issuance of grading permits. All grading plans and activities shall conform to the City's grading ordinance and dust and erosion control requirements.

All landscape areas, adjacent to streets, including medians, parkways and neighborhood edges, in the Specific Plan Area, shall be finish graded, at a minimum of 1 ½" below top-of-curb or sidewalk finish surface, for conservation of irrigation water and increased retention of rainwater runoff.

Wherever practicable, landscaped areas within the project shall be graded as swales and designed to accept runoff water from impervious surfaces. Where necessary, a 5' wide level pad area shall be provided for utilities adjacent to slopes, at each side of detention basins or swales adjacent to paving for pedestrian safety and for screening shrubs.

5.6 Dry Utilities

Utility services provided to the site consist of natural gas, electricity, and communications systems. Utility lines will be installed underground in accordance with City of Ontario guidelines.

5.6.1 Communication Systems

Proposed on-site facilities will be placed underground within a duct and structure system to be installed by the developer. Maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not that of the developer. Development of the project requires the installation by the developer of all fiber optic infrastructure necessary to service the project as a standalone development. The Colony Commerce Center East Specific Plan will connect to the network as shown on Exhibit 5.14, Fiber Optic Master Plan.

5.6.2 Natural Gas

The Gas Company will provide natural gas to the Specific Plan area. The Gas Company will install gas mains to the Specific Plan area as necessary.

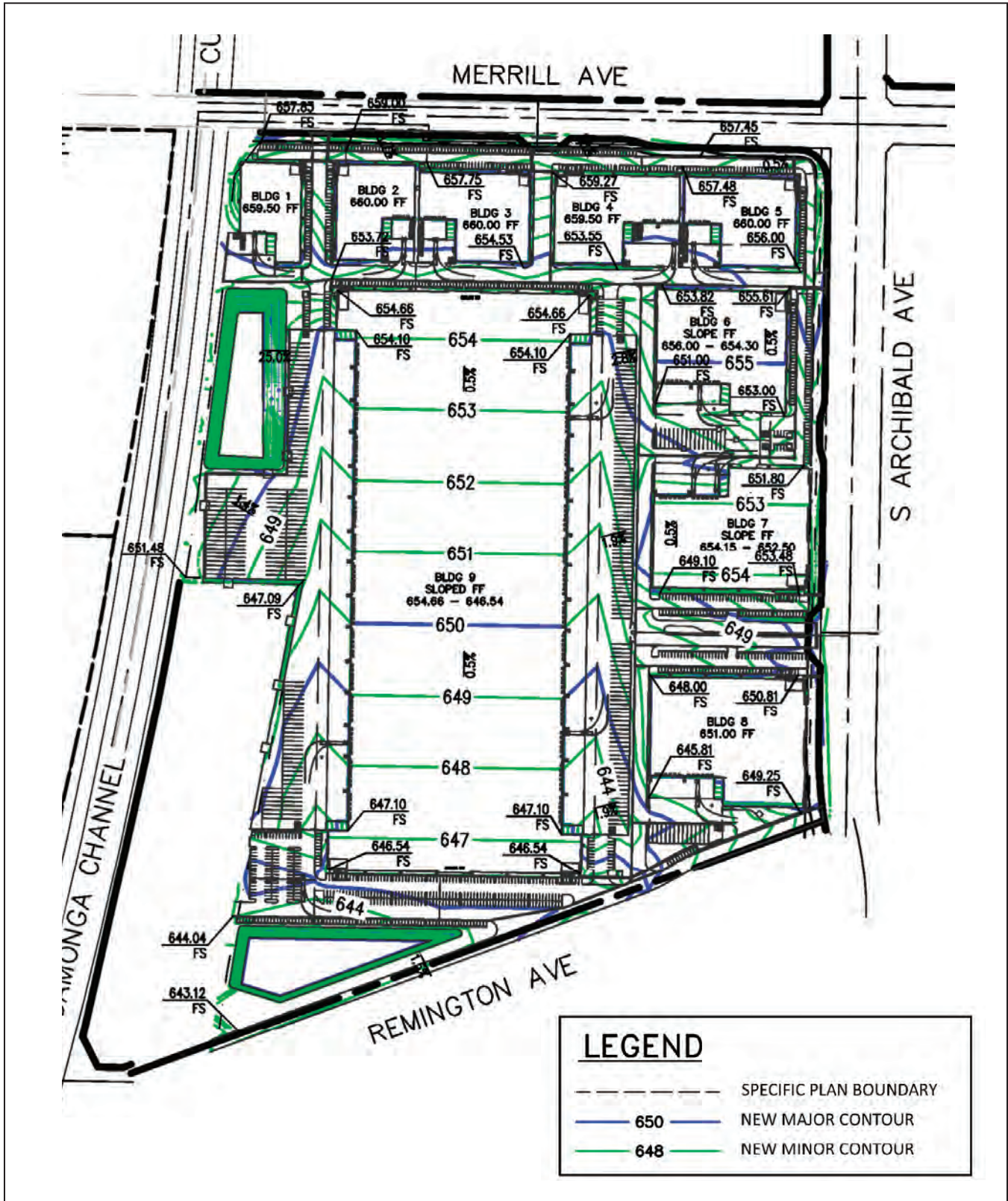
5.6.3 Electricity

Southern California Edison Company (SCE) currently provides electrical service in the area. All new lines and all existing lines within the Specific Plan area shall be installed according to City of Ontario requirements.

There are existing power poles that run along the east side of Archibald Avenue from the Riverside/San Bernardino County Line in the south to Merrill Avenue in the north. There are overhead lines on the project site that branch off from the poles along Archibald Avenue and run west, parallel (roughly 200' south) of Merrill Avenue. These onsite poles will be relocated underground per the City's Municipal Code.

In addition, there are existing overhead lines on the north side of Merrill Avenue that run from Archibald Avenue to the Cucamonga Creek Channel.

Exhibit 5.13, Conceptual Grading Plan



Source: David Evans & Associates

5.7 Public Facilities and Services

Public services and facilities play an essential role in providing support services to create viable, sustainable, healthy and cohesive communities.

5.7.1 Police

The Ontario Police Department will provide law enforcement to the Colony Commerce Center East area. The Ontario Police Department's mission statement is as follows: "The mission of the Ontario Police Department is to protect life and property, solve neighborhood problems, and enhance the quality of life in our community. We do this by providing superior police services while fostering successful community partnerships."

5.7.2 Fire

The Ontario Fire Department will provide fire protection, paramedic, and emergency response services to the Specific Plan Area. The closest operational fire station is Station 6 located at 2931 E. Philadelphia Avenue. The Ontario Fire Department currently has eight stations, which are comprised of eight 4-man paramedic engine companies and two 4-man truck companies.

The City is in the process of developing 13 square miles in the Ontario Ranch where the Ontario Fire Department will shortly begin construction of Fire Station Number Nine located at 2661 E. Park Vista Drive.

5.7.3 Solid Waste Disposal

The City of Ontario Solid Waste Department is committed to providing reliable, timely, safe, and affordable refuse collection services to the residents and businesses in the city limits. Solid waste requirements shall follow the approved "Solid Waste Department Refuse and Recycling Planning Manual."

5.8 Infrastructure Phasing Plan

The primary intent of the phasing of the project is to ensure that complete and adequate public facilities and

services are in place and available to the Specific Plan area as needed.

The phasing program for Colony Commerce Center East will be executed to provide the services and infrastructure required for each of the development planning areas. The phasing set forth in this Specific Plan shall be conditioned on the approval of tentative tract maps. It should be noted that the ultimate pace and phasing of the development is dependent on a number of internal and external factors and is subject to change. See Exhibit 5.15, Conceptual Phasing Plan.

Not all planned development within a given phase may be completed prior to the initiation of the next phase. In cases where development within a new phase is to begin prior to the completion of a phase in progress, all infrastructure improvements shall be funded and designed for the phase in progress before any new phase may begin.

The project will be developed in two phases. These phases may occur sequentially or concurrently with one another. Build out of the project is undetermined at this time.

5.8.1 Planning Areas and Streets

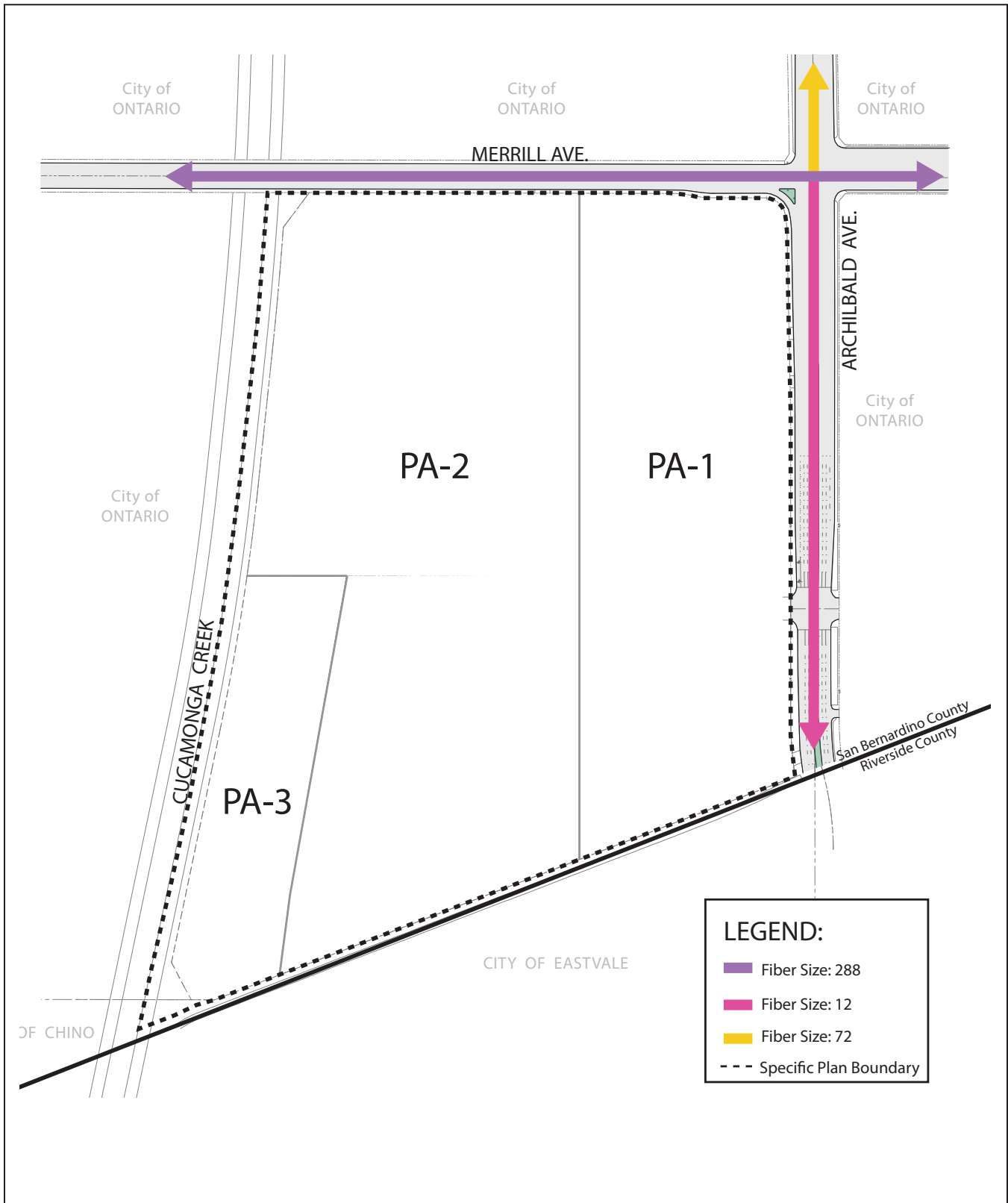
Public streets within and abutting the Specific Plan area shall be improved in accordance with the approved development agreement. Traffic Impact Analysis may recommend additional improvements, including those potentially outside the limits of the Specific Plan Area, prior to or concurrent with specific development milestones.

5.8.2 Water, Sewer and Recycled Water

Water and sewer services will be provided for each of the planning areas.

Phase 1 requires the construction of the 12" Master Plan water main in Merrill Avenue from Archibald Avenue to the Cucamonga Creek Channel and the 12" water main

Exhibit 5.14, Fiber Optic Master Plan



LEGEND:

- Fiber Size: 288
- Fiber Size: 12
- Fiber Size: 72
- Specific Plan Boundary

Source: City of Ontario, Figure 7 (Fiber Size and Footages)
 NOTE: Reference the most current Master Plan for sizing/alignment.



along the southerly property line, parallel to the County Line Channel where it will feed Colony Commerce West. Due to the location of Phase 1, the 12" water line will be able to serve Phase 2.

Recycled water: Phase 1 requires the construction of the 12" Master Plan reclaimed water main in Merrill Avenue from Archibald Avenue to the Cucamonga Creek Channel.

No phasing is required for sewer since the existing 42" sewer main exists in Archibald Avenue and along the southerly property line, running parallel to the County Line Channel.

5.8.3 Drainage

No phasing is required for storm drain since the site is tributary to the County Line Channel that runs parallel to the southerly property line.

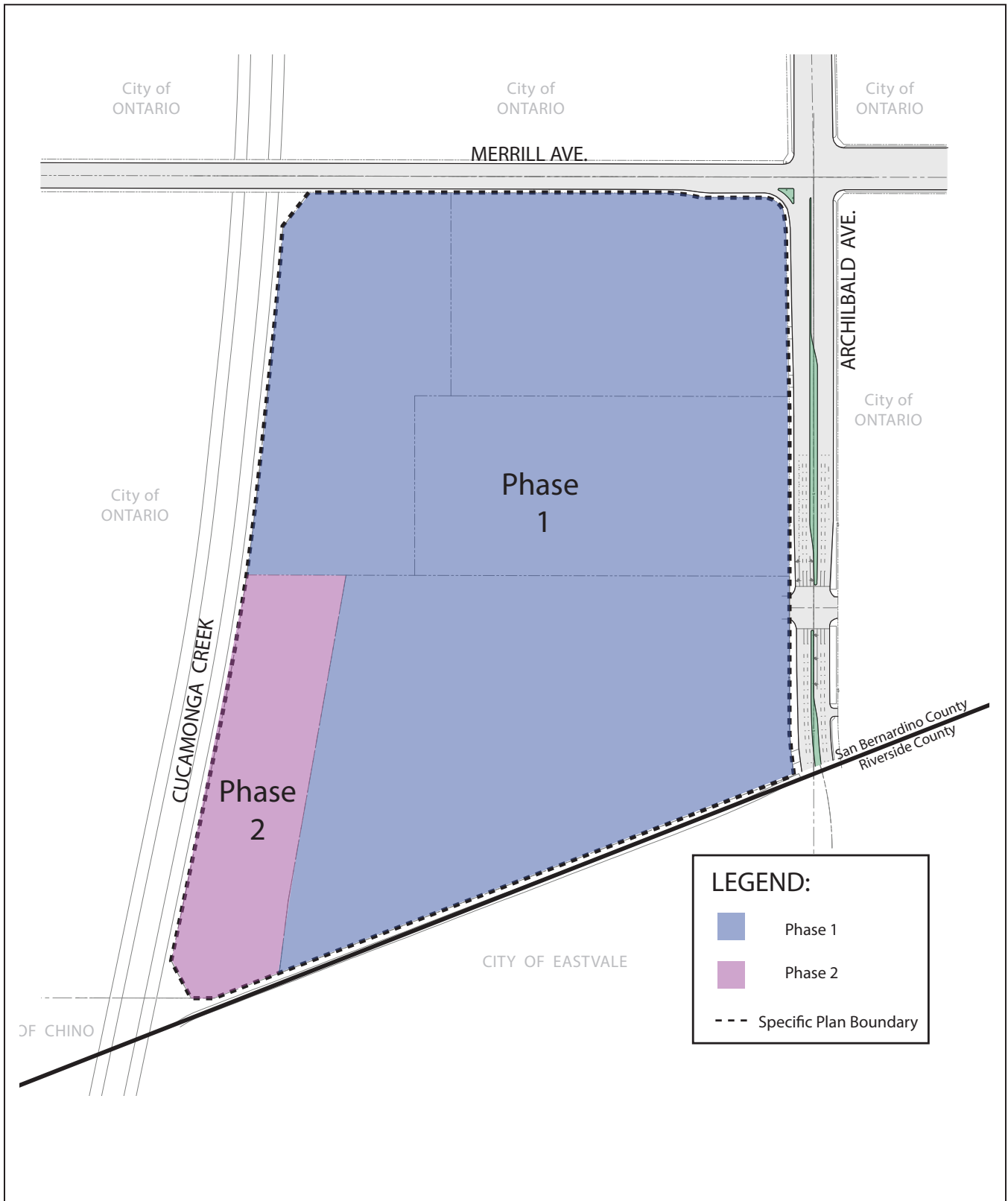
It should be noted that the ultimate phasing of the development is dependent on a number of internal and external factors. Not all planned development within a given phase may be completed prior to the initiation of the next phase.

5.9 Infrastructure Plan and Phasing Adjustments

The Development Advisory Board (DAB) and Planning Commission (PC) shall have the authority to hear and decide applications for modifications to the infrastructure phasing plans. The DAB and PC shall be required to make the following findings:

- » That modification is consistent with the General Plan;
- » That the proposed changes will not adversely affect the implementation of the Specific Plan;
- » That it will not be detrimental to the public health, safety, and general welfare; and
- » That the proposed modification will not delay the construction of the master plan improvements necessary to serve the development.

Exhibit 5.15, Conceptual Phasing Plan



Source: KTG Group



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6

DEVELOPMENT REGULATIONS

6.1 Introduction

The provisions contained herein shall regulate design and development within the Colony Commerce Center East Specific Plan. The regulations contained herein establish the minimum standards and requirements for development.

6.2 Definition of Terms

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, “Definitions,” unless otherwise specifically provided for herein.

The definition of architectural and design terms shall be the same as those provided in the City of Ontario Glossary of Design Terms which follows the City of Ontario Development Code, as amended through December 2015.

6.3 Applicability

The development regulations contained herein provide specific land use development standards for the project. Regulations address industrial and business park development, in addition provide for general landscaping regulations. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare.

Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario

Development Code, the provisions of the Colony Commerce Center East Specific Plan shall take precedence. Where the Colony Commerce Center East Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectural design, and landscape design guidelines contained in Chapter 7, “Design Guidelines” of the Colony Commerce Center East Specific Plan.

All architectural and landscape improvements shall be consistent with the Design Guidelines contained in Chapter 7, of the Colony Commerce Center East Specific Plan, “Design Guidelines.” All architectural and landscape plans shall be submitted to the City of Ontario for approval.

6.4 Administration

The Colony Commerce Center East Specific Plan is adopted by ordinance and serves to implement the Policy Plan Land Use Plan (Policy Plan Exhibit LU-01) as well as the zoning for the Specific Plan Area. The Colony Commerce Center East Specific Plan addresses general provisions, permitted uses, development standards, and design guidelines.

The Colony Commerce Center East Specific Plan Development Regulations address general provisions, permitted uses, and development standards for the community. The Specific Plan has been prepared in conformance with the Goals and Policies of the Policy Plan as outlined Chapter 3 “Plan Conformance”.

6.5 General Site Development Criteria

The following general site development criteria shall apply to all development projects within Colony Commerce Center East.

- » Gross Acres – Except as otherwise indicated, gross acres for all development areas are measured to the center line of streets.
- » Grading – Development within the project site shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the design guidelines included in the Colony Commerce Center East Specific Plan.
- » Building Modification – Building additions and/or alterations permitted by the Colony Commerce Center East Specific Plan shall match the architectural style of the primary unit and shall be constructed of the same materials, details, and colors as the primary unit.
- » Utilities – All new and existing public utility distribution lines of 34.5 kV or less shall be subsurface throughout the project.
- » Technology – All businesses shall accommodate modern telecommunications as defined by the Fiber Optic Master Plan and in accordance with the City of Ontario Structured Wiring Standards (Ontario Municipal Code).
- » Solid Waste/Recycling – Development within the project shall comply with City of Ontario requirements for the provision and placement of solid waste and recycling receptacles.
- » Traffic – All traffic signs regulating, warning, and/or guiding traffic on public or private roads shall conform to the Californis MUTCD, latest edition.

6.6 Development Standards

This section includes the development standards for industrial and business park uses that establish the minimum criteria for the development of land use types on individual lots within the Planning Areas specified within the Colony Commerce Center East Specific Plan. Specific standards for the land uses are described on Table 6.1.

Refer to the Colony Commerce Center Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect but not be limited to the restriction of allowable land uses, the allowable Floor Area Ratio (FAR), overall site design, building heights and so on.

6.7 Permitted Uses

Table 6.2 establishes the uses which are permitted within the two planning areas of Colony Commerce Center East Specific Plan. The following symbols used in the table represent the following:

P	Permitted Use
C	Conditional Use Permit required
A	Ancillary Use (allowed in conjunction with another permitted use)

Ancillary uses will be reviewed concurrently with each land use proposal.

Table 6.1, Development Standards

SITE REQUIREMENTS	
Minimum Site Area:	1 Acre (43,560 SF)
Floor Area Ratio:	0.55 (Max. Allowed) - Industrial 0.60 (Max. Allowed) - Business Park
Minimum Landscape Coverage:	10% - Industrial (15% Corner Lots) 15% - Business Park
BUILDING REQUIREMENTS	
Minimum Building Setbacks: ^(1,2)	
• From Merrill Avenue	23'
• From Archibald Avenue	30'
• Interior Property Lines	0'
• From Cucamonga Creek Channel	10'
Parking & Drive Aisle Setbacks:	
• From Merrill Avenue	23'
• From Archibald Avenue	30'
• From Cucamonga Creek Channel	5'
• Interior Property Lines	5'
• Adjacent to Building Office Elements	10'
• Adjacent to Solid Building Wall	5'
• Primary Drive Aisle to Building	10'
• Secondary Drive Aisle (back alley) to Building	5'
Maximum Building Height:	
• Main Structure	55'
• Architectural Projections and Focal Elements Such As Towers, Cupolas, and other Appurtenances. ⁽³⁾	65'
Maximum Building Area:	
• Business Uses ⁽⁴⁾	100,000 SF
• Industrial Uses	n/a
Walls, Fences, and Hedges	Per - Walls, Fences, and Obstructions of the Ontario Development Code Requirements.

(1) - All setback areas shall be landscaped.

(2) - All setbacks are measured from the public right-of-way to habitable area not architectural appurtenance or projection. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door popout surrounds, bay windows, pot shelves, chimneys, enhanced window sills, shutter details, window trim, balconies, pedestrian colonnades and other similar elements. Such elements may project a maximum of 3 feet into required setback areas.

(3) - Architectural element only not to be used for signage, subject to Planning Director approval.

(4) - In the Business Park area, buildings will not exceed 100,000 SF and anything over that will require Planning Department review and approval.

Table 6.2, Permitted Uses

Land Use Types	Industrial	Business Park
AGRICULTURAL USES		
Commercial Growing Establishment - Activities typically include, but not are not limited to the commercial growing of produce by row, field, tree, and crop production. Also included is agricultural research.	P	---
Wholesale and Retail Plant Nurseries - Activities typically include, but are not limited to, sales of indoor and outdoor plants, including, but not limited to, trees, shrubs, groundcovers, and grass sod, as well as seeds, pots and potting supplies, and growing supplies.	P	---
RESIDENTIAL USES		
Caretaker's Unit - Area devoted to use not to exceed 1,000 square feet.	A/C	---
INSTITUTIONAL USES		
Educational Facilities - Universities, Colleges, and Vocational Training:		
• Private	---	C
• Public	---	P
• Trade School	C	C
Healthcare Facilities - Health care offices & clinics, including medical, dental, psychiatry/psychology, acupuncture, chiropractic, physical therapy and other similar therapeutic offices and clinics, substance abuse clinics, and other related health and support facilities.	---	C
Industrial Clinics	P	C
Religious Facilities - Religious assembly and places of worship.	---	C
Public Utility/Service structure	C	C
Public Utility Office	---	P
Water Systems - Water wells, water storage, treatment and filtration facilities.	C	C
COMMERCIAL USES		
Alcohol Beverage Sales - Activities typically include the sale, subject to required license for the sale of alcoholic beverages.	---	C
Auto Repair (Minor) - Activities include, but are not limited to automotive and light truck repair; retail sales of goods and services for automobiles and light trucks; and the cleaning and washing of automobiles and light trucks. Uses typically include, but are not limited to, repair of brakes, tires, electrical, etc. and car washes.	P	---

Land Use Types	Industrial	Business Park
Auto Repair (Major) - In addition to the types of repair operations included as part of Automobile and Light Truck Repair - Major, activities typically include, but are not limited to, automotive body work, painting, and installation of major accessories; automobile customizing; engine and transmission repair/rebuild and towing facilities.	C	---
Car Wash - Full service activities typically include the washing and polishing of automobiles. Uses typically include automobile laundries; car washes, excluding self-service washes.	A	---
Offices - Administrative, professional and other offices	A	A
Business Services - Advertising agencies, photocopying printing, and duplicating services.	P	P
Repair Services - Computers, home electronics and small home appliances. Electrical equipment, Furniture refinishing/re-upholstery. Lawnmower and garden equipment.	P	P
Child day care centers (more than 14 children)	C	C
COMMUNICATION USES		
Radio and Television Broadcasting Studios. Activities typically include, but are not limited to, broadcasting and other information relay services accomplished primarily through the use of electronic and telephonic mechanisms. Uses typically include, but are not limited to, television and radio studios.	P	P
EATING AND DRINKING PLACES & FOOD SERVICES		
Eating Establishments - Activities typically include, but are not limited to, the retail sale from the premises of food or beverages prepared for on-premises consumption. Uses typically include, but are not limited to:		
<ul style="list-style-type: none"> • Full-service restaurants, serving ready-to-eat food and beverages for on-site consumption. 	P	P
<ul style="list-style-type: none"> • Fast-food restaurants, serving ready-to-eat food and beverages for on-site or off-site consumption, without drive-through facilities. 	P	P
MANUFACTURING		
Light Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products, assembly of component parts (including required packaging for retail sale), and treatment and fabrication operation. Light manufacturing activities do not produce odors, noise, vibration, or particulates which would adversely affect uses within the same structure or on the same site. Activities include the following:		
<ul style="list-style-type: none"> • Apparel Manufacturing 	P	P
<ul style="list-style-type: none"> • Computer and Home Electronic Manufacturing 	P	P
<ul style="list-style-type: none"> • Bakery (Industrial) 	P	P

Land Use Types	Industrial	Business Park
• Electrical Components	P	P
• Furniture and Related Products Manufacturing	P	P
• Home Appliance and Equipment Manufacturing	P	P
• Instrument Manufacturing (Navigational, Measuring, etc.)	P	P
• Leather Product Manufacturing (excluding tanning and finishing)	P	P
MACHINERY MANUFACTURING		
Machinery Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products; assembly of component parts (including required packaging for retail sale); blending of materials such as lubricating oils, plastics, and resins; and treatment and fabrication operations. Examples of activities include the following:		
• Miscellaneous Manufacturing (jewelry, office supplies, sporting goods, toys, etc.)	P	P
• Printing and Related Activities	P	P
WAREHOUSE/STORAGE & TRANSPORTATION		
Warehouse/Distribution Facility - Activities typically include, but are not limited to, warehousing, storage, freight handling, shipping, trucking services; storage	P	P
OTHER		
Trailers and trailer storage for the use of construction	P	---
Any use deemed similar to permitted uses by the Planning Director	P	P

General Note, refer to the Colony Commerce Center East Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect building heights, allowable FAR, and allowable land uses.

6.8 Signage

All signage within the boundaries of the Colony Commerce Center East Specific Plan shall conform to the Article 31, *Signs*, of Chapter 1 of the City's Development Code.

6.9 Lighting

The design of lighting fixtures shall be approved by the City as part of the City's Development Plan Review.

6.10 Required Number of Parking and Loading Spaces

Off-street parking facilities are to be provided for each use on Table 6.3 Parking and Loading Requirements in this Specific Plan.

Table 6.3, Parking and Loading Requirements

PARKING REQUIREMENTS	
Industrial and Business Park Developments:	
Warehousing and Distribution	1 space per 1,000 SF of GFA for the first 20,000 SF; plus 0.5 space per 1,000 SF of GFA for that portion over 20,000 SF; plus 1 tractor-trailer space per 4 dock-high loading doors; plus required parking for “general business offices” and other associated uses when those uses exceed 10% of the building GFA.
Manufacturing	1.85 spaces per 1,000 SF of GFA; plus 1 tractor-trailer space per 4 dock-high loading doors; plus required parking for “general business offices” and other associated uses when those uses exceed 10% of the building GFA.
General Industrial (speculative buildings)	Portion of GFA < 50,000 SF: 1.85 spaces per 1,000 SF Portion of GFA 50,000 SF to 100,000 SF: 1 space per 1,000 SF Portion of GFA > 100,000 SF: 0.5 space per 1,000 SF Plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for “general business offices” when exceeding 10% of GFA.
Multi-Tenant Business Park	3 spaces per 1,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for “general business offices” when exceeding 10% of GFA.
Administrative and Support:	
General Business Offices	4 spaces per 1,000 SF of GFA
Food Services:	
Full Service	10 spaces per 1,000 SF of GFA (includes outdoor seating area up to 25% of GFA)
Fast Food	13.3 spaces per 1,000 SF of GFA (includes outdoor seating area up to 25% of GFA) ces Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window

7

DESIGN GUIDELINES

7.1 Purpose and Intent

The following Design Guidelines have been developed to ensure a quality, cohesive design structure for the Colony Commerce Center East development. Objectives of these design guidelines are:

- » To provide the City with the necessary assurances that the Specific Plan area will develop in accordance with the design quality and character proposed herein;
- » To serve as design criteria for developers, builders, engineers, architects, landscape architects and other professionals in preparing plans for construction; and
- » To lend guidance to City staff, Planning Commission and City Council in the review and evaluation of future development projects in the Specific Plan area.

Certain key design elements will contribute significantly to the visual order and consistency of the entire Specific Plan area and provide a quality development. The fundamental elements of these common features; site planning, architecture, landscape, and architecture design details are established by these Design Guidelines.

The design guidelines are intended to be flexible and illustrative in nature, with the capability of responding to unanticipated conditions, the market and design trends.

Creativity and innovation, as well as consistent, and quality, are encouraged in the implementation of these guidelines.

7.2 Industrial Theme and Character

These Design Guidelines will ensure that the Specific Plan community is an environment that reflects the vision embodied in the following concepts:

- » Develop a quality, cohesive design concept and identity for the Colony Commerce Center East area.
- » Establish development standards that ensure lasting value for industrial and business developments.
- » The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components, require articulation in their architectural expression as they relate to the public realm.
- » A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.

7.3 Site Design

The Business Park and Industrial of the Colony Commerce East Specific Plan will allow for employment opportunities to be created for the City of Ontario and surrounding region. Residents of Ontario Ranch will have the ability to access employment not only by automobile but also via pedestrian multi-purpose trails from the surrounding residential neighborhoods.

The business park and industrial land uses should continue the pedestrian friendly character of the area, and implement appropriate site planning and architectural design and techniques to be complimentary to the adjacent land uses.

Site design should facilitate the intended functions of developed and open space areas, and provide for appropriate interactions between buildings and activity areas, goods movement, vehicular access and parking, and pedestrian and bicycle travel.

The following concepts are intended to facilitate design quality and compatibility between uses within the Colony Commerce Center East Specific Plan.

Building Orientation

- » Buildings should be oriented towards the street to provide focus on the building entries. Windows and architectural accent features should face the street to avoid long expanses of untreated walls facing both Merrill Avenue and Archibald Avenue. Parking and landscaping is encouraged to be located to the side and rears of the buildings (see Photo 7.1).
- » Buildings should be oriented to define the streetscene and provide for an aesthetically pleasing streetscape.

Street Frontage and Parking Lots

- » Smaller scale buildings are preferred along the frontages of Merrill Avenue and Archibald Avenue. Small parking lots enhanced with landscaping and a buffer from both street right-of-ways is also acceptable. Building frontages along both Merrill



Photo 7.1 - Example of main building accents oriented towards street and entry



Photo 7.2 - Example of smaller scale business/industrial park buildings

Avenue and Archibald Avenue should be designed with windows, entries and architectural features to soften their appearance to the public view (See Photo 7.2).

- » Parking lots should be designed to minimize impact to pedestrian walkways and service access. Large parking lots should be avoided, however, if necessary, a landscaped pedestrian walkway should be provided for safe access to buildings.

Loading, Storage Areas and Refuse Containers

- » Loading docks and storage areas should be oriented away from adjacent streets. Any visual impact to public views should be screened through the use of walls, landscaping, and/or equivalent features. Adequate room should be provided for trucks maneuvering or waiting to unload. Attractive and durable materials shall be used when designing loading areas.
- » Refuse containers and equipment shall be easily accessed by service vehicles but screened from

view of the streets, parking lots, and connecting walkways through the use of walls and/or landscaping. Screening details should incorporate elements that are compatible with the architecture style of the building. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

Building Design

- » Building height variations, architectural projections, building pop-outs, stepping of floors, accent detailing, material change and color variety are encouraged to compliment the surrounding industrial land uses. Massing elements shall relate to the architecture style of the building and should be proportional and visually pleasing.
- » For larger buildings that are visible to the public, they shall include architectural treatments to avoid long expanses of untreated walls, and break up building massing, through the use of building

height changes, small projections, changes in color or texture or similar architectural treatments.

- » Typical ground-mounted equipment (such as transformers and heating units) should be screened by landscaping where they would otherwise be within public view.
- » Where long, linear walls or fences are needed, a combination of wall/fence with dense landscaping shall be provided.
- » The mass of new structures, as visible from public views, should be softened by landscaping or lessened by small-scale elements such as windows, panels, entrances, and other detail features to avoid monotony in design (See Photo 7.3).

Roof Form

- » Roof forms should be simple and avoid a massive appearance. Buildings shall use height variations to break up the roofline and create a more interesting visual appearance.

Entry Design

- » Entries and windows are encouraged to face streets and pedestrian walkways. Primary building entries shall be easily identified through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of tower elements, tall voids, a central mass or an entry plaza. Secondary entries may use smaller building masses to communicate their locations.
- » Major vehicular and pedestrian entries to the site from the public street system should be readily visible. Major entries to planning areas, other than truck entries should be marked by accent pavement with accent trees and other enhanced landscape features.

Design Flexibility

- » Building design should be flexible in order to adjust to various future market demands. Parcel sizes should be flexible and vary in size to accommodate a variety of building types.



Photo 7.3 - Example of building and landscape treatments to soften views from the public right of way

Base and Top Treatments

- » Building design should encourage the use of base and top treatments to help balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Base treatments may include changes in texture or material and enriched landscaping. Top treatments may also include changes in texture or material, and may also include cornices or roof overhangs.

Roof Materials

- » Roofing materials should be durable yet compatible to the building’s architectural style.

Material Changes

- » Avoid the false appearance of lightweight veneers by hiding material changes through careful detailing. Material changes should not occur at external corners, but may occur at “reverse” or interior corners or as a “return.”

Color

- » For larger building surfaces colors, should be muted and softer colors used. Accent colors may include brighter and darker colors.

7.4 Parking/Loading Facilities

The following concepts are intended to facilitate design quality and compatibility between industrial uses within the Colony Commerce Center East Specific Plan.

- » Site entries shall compliment the architectural development by utilizing enhanced pavement treatment in vehicular areas, accent trees, and color planting. Enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.
- » No required parking or loading facilities shall be located in any required landscape setback.
- » All outdoor refuse collection areas shall be decorative and should be visually screened.

- » All loading areas shall be screened from public view by buildings or by eight foot high wall (minimum). A line of sight study will determine the final height of the wall. Landscaping should be incorporated to visually soften the appearance of walls.
- » Driveways and parking areas should be separated from adjacent sidewalks or landscaped areas by a curb not less than six inches high.
- » Development shall provide trees within the vehicular use areas at a ratio of one tree for every 10 parking stalls. The trees shall consist of 24” and 36” box sized trees. See Section 7.7.1 for percentages of tree sizes.



Photo 7.4 - Example of typical screen wall with landscaping

7.5 Walls and Fences

The following section is intended to encourage design quality, as walls and fences are an important component to ensuring a safe and secure environment within the Colony Commerce Center East Specific Plan.

- » Walls at loading areas shall be at least six feet in height, or as approved by the City in response to screening loading activities from off-site views from the adjacent public right-of-way.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas. Chain link fencing may not be used along public views.
- » Walls fronting on streets may be constructed of concrete tilt up or masonry materials such as split face or slump stone (See Photo 7.4).
- » Tubular Steel fencing shall be permitted along the Cucamonga Creek Channel if areas are not required to be screened from public views.

- » Entry monuments shall be designed and located in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- » Any proposed entry gates shall be reviewed by the Traffic and Transportation Division, and permitted only if approved.

7.6 Site Lighting

The following section addresses illumination of on-site areas for purposes of safety, security, and nighttime ambience, including lighting for parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, shipping and loading areas, and any additional exterior areas.

Streetlights shall conform, both in type and location, to the Standards of the City of Ontario at the time of installation.

- » A comprehensive lighting plan shall be prepared and approved in conjunction with the site plans submitted for approval to the DAB. In addition, all plans shall be reviewed and approved by the Ontario Police Department.
- » Exterior lighting should be located and designed to minimize direct glare beyond the parking lot.
- » The design of lighting fixtures shall be consistent throughout individual planning areas, and shall be compatible with the architectural style of the building within each development.
- » Lighting sources shall be shielded, or diffused in order to avoid glare to pedestrians and motorists. Lighting fixtures should be selected and located to confine the area of illumination to within the site boundaries.
- » Architectural lighting of building facades is encouraged to enhance and emphasize the buildings identity.

7.7 Landscape

This section describes the minimum landscape requirements that shall be followed in the design of all public and private improvements within the Specific Plan. All proposed landscaping shall promote the aesthetic character and value of the Colony Commerce Center East Specific Plan area.

7.7.1 General Provisions

- » The landscape design shall meet the requirements of the City of Ontario Landscape Development Standards as outlined within the Ontario Development Code and Traffic and Transportation Design Guidelines for sight-distance requirements.
- » The landscape design shall incorporate a mix of container size trees and shall comply with the following minimum percentages: 5% of trees shall be 48” box size. 10% shall be 36” box size. 30% of trees shall be 24” box size.
- » The use of drought tolerant plants is strongly encouraged (See Photo 7.5).



Photo 7.5 - Example of Industrial building and drought tolerant landscaping

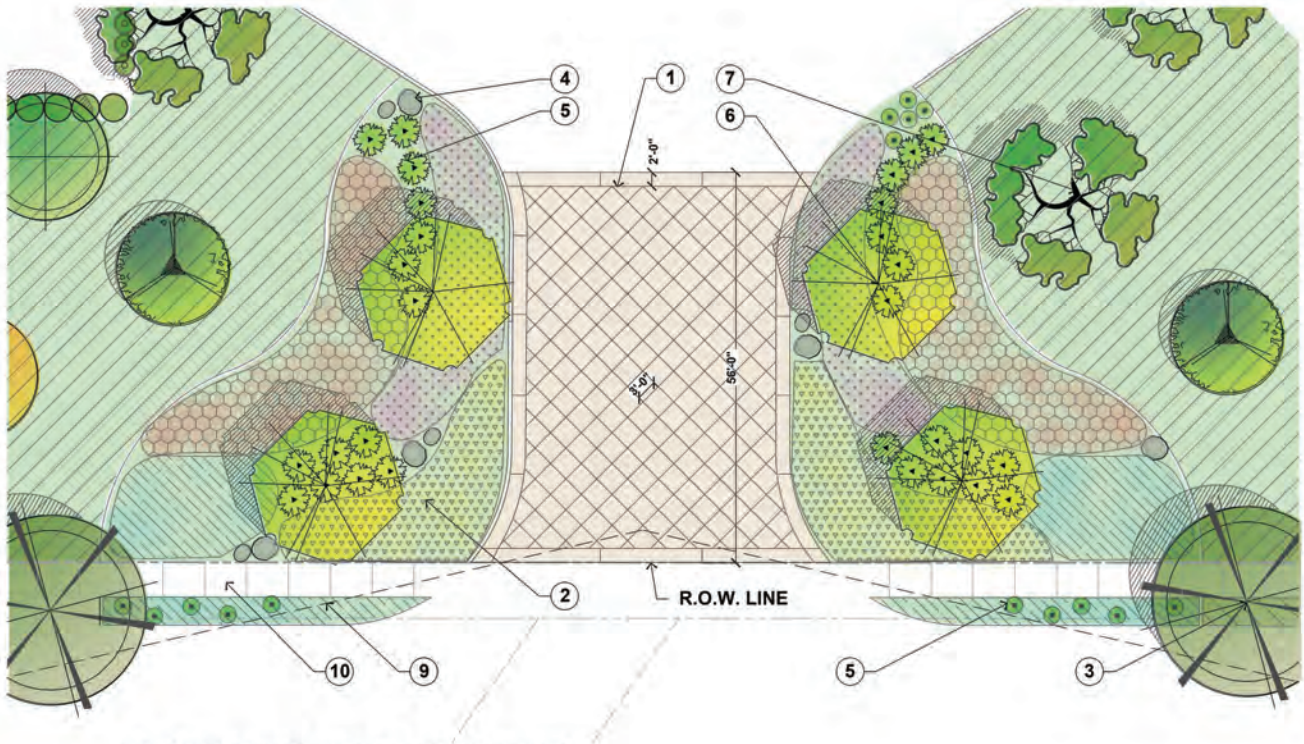
Exhibit 7.1, Conceptual Landscape Master Plan



Source: Scott Peterson Landscape Architect



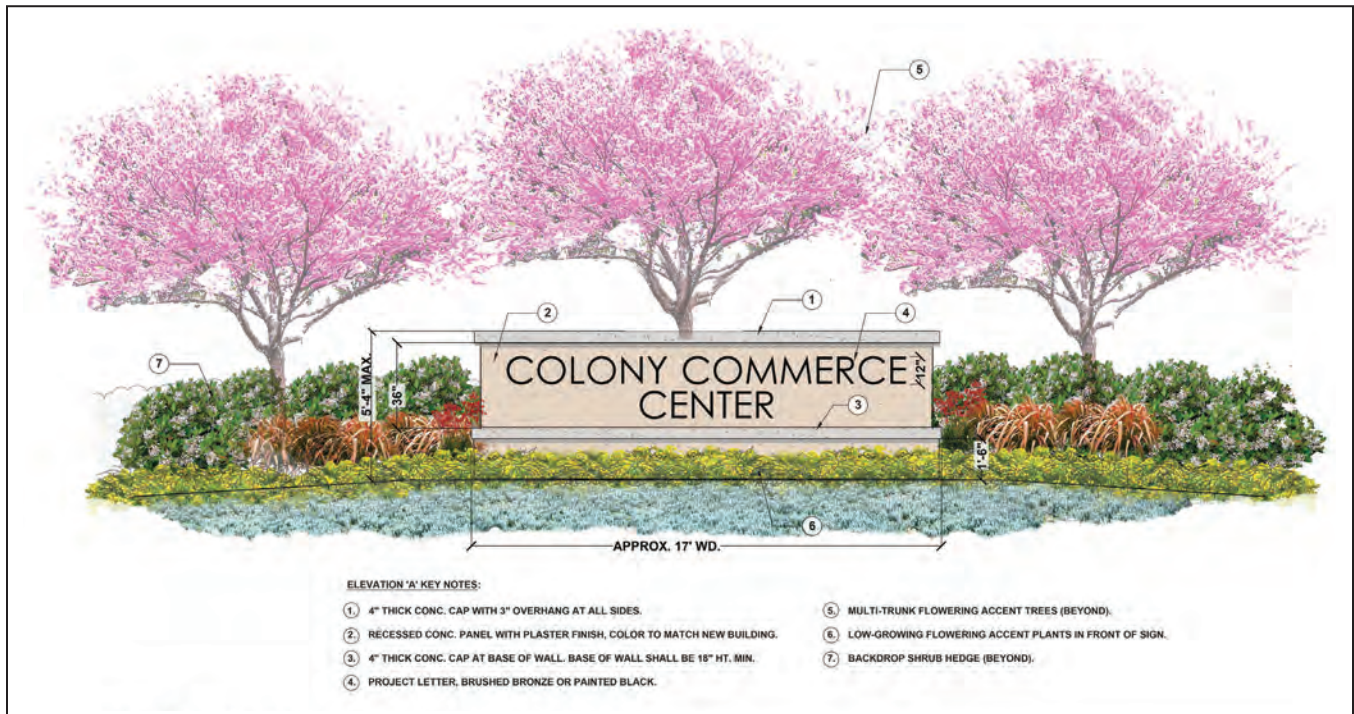
Exhibit 7.2, Project Entry Drives



- | | |
|--|--|
| <p>① ENHANCED VEHICULAR PAVING AT PROJECT ENTRY DRIVES CONSISTING OF 24" WD. PERIMETER BAND WITH COLORED CONC. INFIELD (36" SQ. GRID PATTERN AT 45° ANGLE).</p> <p>② LOW WATER USE LANDSCAPE AREA ADJACENT TO DRIVEWAY ENTRIES. TIER/ LAYER DROUGHT TOLERANT GROUND COVER AND SHRUB MATERIAL.</p> <p>③ NEW STREET TREES</p> <p>④ LARGE ACCENT BOULDERS SPOTTED IN DG AREA.</p> | <p>⑤ PROPOSED DROUGHT TOLERANT SHRUBS</p> <p>⑥ FLOWERING ACCENT TREES AT PROJECT ENTRIES.</p> <p>⑦ EVERGREEN BACKDROP TREES</p> <p>⑧ TYP. CONC. SIDEWALK</p> <p>⑨ ALL REQUIRED SIGHT-LINES AT PROJECT ENTRIES SHALL BE OBSERVED.</p> <p>⑩ TYP. CONC. SIDEWALK.</p> |
|--|--|

Source: Scott Peterson Landscape Architect

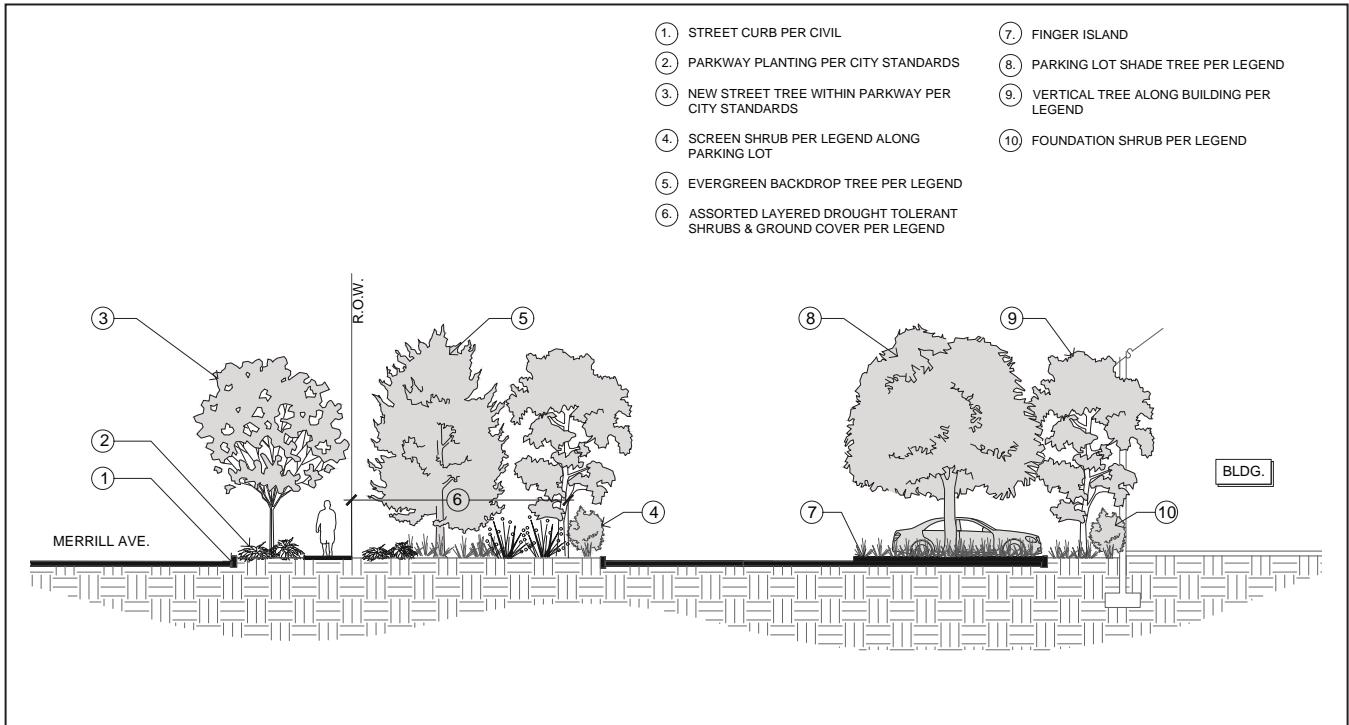
Exhibit 7.3, Example Project Entry Monument



Source: Scott Peterson Landscape Architect

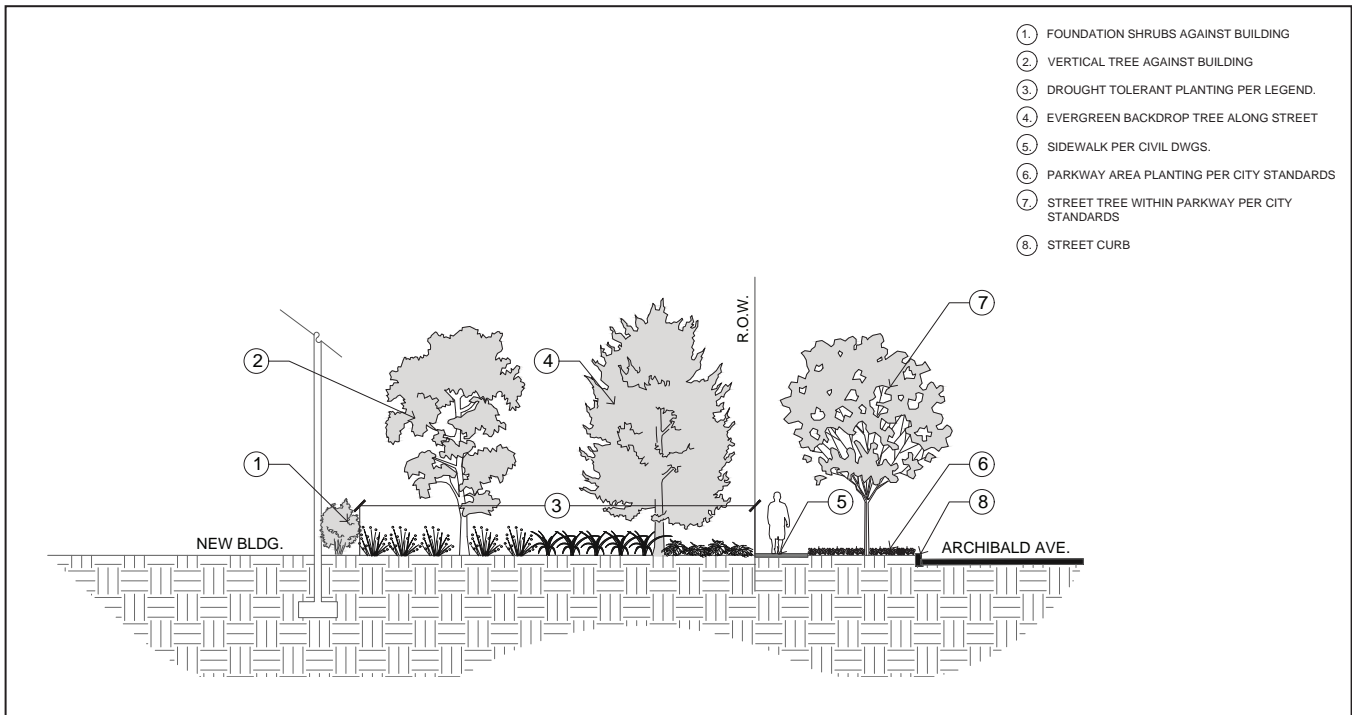
- » Plants shall be grouped into designated 'hydrozones' with similar irrigation requirements.
- » All detention basins shall receive container plants and a hydroseed application of low water using plants that can also tolerate seasonal water inundation.
- » Rock riprap material shall be installed where stormwater drain lines connect to infiltration areas or wherever paved area drainage surface flows directly into depressed landscape areas, via curb cuts or other surface conveyances.
- » Trees and landscape design for Master Planned streets such as Merrill Avenue shall meet the requirements of the Ontario Ranch Streetscape Master Plan.
- » All utility equipment such as backflow units, electrical transformers, fire detector checks, and fire check valves shall be screened with evergreen shrubs and should be painted a dark green color.
- » Compacted decomposed granite (DG) material may be incorporated at accent areas such as project entry drives and other focal areas, but limited to a max of 5% of the landscape area. Large accent boulders may be incorporated into DG areas.
- » Low water type of plants including California natives and succulents that thrive in the area's micro-climate shall be incorporated.
- » Project entry drives and corner intersection areas shall receive an "intensified" landscape treatment consisting of, but not limited to colorful ground cover and shrubs, and flowering accent trees.
- » Parking stalls facing public streets shall include a 36" high hedge adjacent to parking area.
- » Landscape shall be irrigated with automatic irrigation systems.

Exhibit 7.4a, Typical Landscape Cross Section - Merrill Avenue



Source: Scott Peterson Landscape Architect

Exhibit 7.4b, Typical Landscape Cross Section - Archibald Avenue



Source: Scott Peterson Landscape Architect

- » Irrigation systems shall incorporate smart weather-based or moisture sensor irrigation controller(s) for water conservation.
- » Design of low flow drip irrigation systems, where appropriate.
- » Irrigation backflow units shall be specified in a theft proof lockable protective steel cage enclosures.
- » Irrigation controllers shall be in a theft proof enclosure or inside the buildings electrical room.
- » Project entry drives shall incorporate enhanced vehicular decorative paving, which may consist of colored concrete with a stamped pattern or scoreline grid pattern at 45 degree angle or similar.
- » A 24" clearance from back of parking lot curb to parking lot screen hedge shall be provided for car bumper overhang. Mulch over weed abatement filter fabric shall be provided within this area.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas.

7.7.2 Landscape Standards

- » All landscape area planters shall have a minimum inside dimension of 5' feet wide, plus the required curbs.
- » Parking spaces adjacent to planters shall have a 12" wide curb for ease in stepping out from vehicles.
- » Provide parking lot trees in planter islands at the ratio of one tree for every 10 parking spaces.
- » All 2:1 slopes and greater shall be installed with permanent rolled erosion control product (RECP netting), typical.
- » A layer of mulch within all landscaped areas shall be provided to retain soil moisture and mitigate soil erosion. Compacted decomposed granite material is an acceptable alternative if Southern California native plants (Coastal Sage Scrub or Chaparral plant communities) are used to a maximum of 5% of the landscape area. Planting plans shall show plant spacing no greater than the maximum mature width.
- » All slopes 3:1 or greater shall be stabilized with spreading erosion control ground cover.
- » Foundation shrubs shall be incorporated at base of building to minimize scale of building (min. 5 gal. size at 36" max. spacing).
- » Provide durable perimeter screening trees for shade and windbreaks.
- » Provide 36" high strappy leaf shrubs to screen utilities such as backflow devices. Use taller evergreen shrubs to screen the sides of transformer units and include maximum 12" high groundcovers in areas to access utilities.
- » Landscape shall define and accent entries, pedestrian walkways and architectural features. Landscape shall be attractive and appropriate to define and complement the space and use.
- » Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- » The Landscaping Plan shall comply with City Standard drawings and Traffic and Transportation Guidelines for sight-distance.

7.7.3 Plant Palette

The Plant Palette on Table 7.1, was selected to complement and enhance the thematic setting for the Ontario community, appropriateness to climatic and soil conditions, ease of maintenance and water conservation.

Table 7.1, Plant Palette

Use	Botanical Name	Common Name
Parking Lot Trees	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Magnolia Grandiflora</i>	Southern Magnolia
	<i>Pistachia Chinensis</i>	Chinese Pistache
	<i>Platanus Acerifolia</i>	London Plane Tree
	<i>Platanus Racemosa</i>	California Sycamore
	<i>Podocarpus Gracilior</i>	Fern Pine
	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Quercus Engelmannii</i>	Mesa Oak
	<i>Tipuana Tipu</i>	Tipu Tree
	<i>Tristania Conferta*</i>	Brisbane Box
<i>Ulmus Parvifolia*</i>	Evergreen Elm	
Street Trees (min. 24" box size)	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex*</i>	Holly Oak
Evergreen Screen Trees	<i>Eucalyptus species</i>	Eucalyptus
	<i>Pinus Eldarica*</i>	Mondell Pine
	<i>Quercus Agrifolia*</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Tristania Conferta*</i>	Brisbane Box
Trees Adjacent to Buildings	<i>Callistemon Viminalis</i>	Weeping Bottlebrush
	<i>Cercis Occidentalis</i>	Western Redbud
	<i>Cupressus Sempervirens</i>	Italian Cypress
	<i>Geijera Parviflora*</i>	Australian Willow
	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Lagerstroemia Indica*</i>	Crape Myrtle
	<i>Laurus Nobilis</i>	Sweet Bay Tree
	<i>Melaleuca Quinquinervia</i>	Cajeput tree
	<i>Olea Europaea 'Swan Hill'</i>	Small Fruitless Olive

Use	Botanical Name	Common Name
	<i>Pinus Canariensis</i>	Canary Island Pine
	<i>Pinus Eldarica</i>	Mondell Pine
	<i>Podocarpus Gracilior*</i>	Fern Pine
	<i>Podocarpus Macrophyllus</i>	Yew Pine
	<i>Tristania Conferta</i>	Brisbane Box
Tall Shrubs	<i>Callistemon Viminalis 'Little John'</i>	Dwarf Bottle Brush
	<i>Cistus Spp.</i>	Rockrose
	<i>Dodonaea Viscosa*</i>	Hopseed Bush
	<i>Heteromeles Arbutifolia</i>	Toyon
	<i>Juniperus Chinensis x Pfitzeriana</i>	Pfitzer Juniper
	<i>Lantana Camara</i>	Bush Lantana
	<i>Leptospermum Laevigatum</i>	Australian Tea Tree
	<i>Leucophyllum Candidum</i>	Violet Silverleaf
	<i>Leucophyllum Frutescens*</i>	Texas Ranger
	<i>Leucophyllum Laevigatum</i>	Chihahuan Rain Sage
	<i>Leucophyllum Pruinosum</i>	Sierra Bouquet
	<i>Ligustrum Texanum*</i>	Texas Privet
	<i>Pittosporum Tobira Variegata*</i>	Mock Orange
	<i>Prunus Caroliniana 'Compacta'</i>	Dwarf Cherry Laurel
	<i>Rhamnus Californica</i>	Coffeeberry
	<i>Raphiolepis Springtime</i>	Indian Hawthorn
	<i>Raphiolepis 'Pink Lady'*</i>	Indian hawthorn
	<i>Rosa Sp. 'Iceberg Rose'</i>	White Rose
	<i>Rosmarinus O. 'Tuscan Blue'*</i>	Bush Rosemary
	<i>Salvia Clevelandii*</i>	Chaparral Sage
<i>Salvia Greggii*</i>	Autumn Sage	
<i>Tecoma Stans</i>	Yellow Trumpet Flower	
<i>Viburnum Japonicum</i>	Viburum	
<i>Westingia Fruticosa</i>	Coast Rosemary	
<i>Xylosma Congestum</i>	Shiny Leaf Xylosma	
Low Shrubs / Groundcover	<i>Acacia Redolens 'Prostrata'</i>	Prostrate Acacia
	<i>Baccharis x 'Centennial'</i>	Prostrate Desert Broom
	<i>Baccharis Pilularis 'Twin Peaks'*</i>	Dwarf Coyote Bush

Use	Botanical Name	Common Name
	<i>Carex Divulsa</i>	Berkley Sedge
	<i>Carex Pansa</i>	California Meadow Sedge
	<i>Carex Praegracilis</i>	Clustered Field Sedge
	<i>Carissa 'Green Carpet'</i>	Prostrate Natal Plum
	<i>Ceanothus Griseus Horizontalis</i>	Caramel Creeper
	<i>Cotoneaster Horizontalis</i>	Rock Contoneaster
	<i>Dalea Gregii</i>	Trailing Indigo Bush
	<i>Dietes Bicolor</i>	Fortnight Lily
	<i>Juniper Horizontalis 'Varieties'</i>	Trailing Juniper Varieties
	<i>Lantana Montevidensis</i>	Trailing Lantana
	<i>Leymus Arenarius</i>	Lyme Grass
	<i>Lomandra Longifolia</i>	Nyalla
	<i>Lonicera Japonica*</i>	Hall's Honeysuckle
	<i>Mahonia Repens</i>	Creeping Mahonia
	<i>Muhlenbergia Capllaris*</i>	Pink Muhly
	<i>Muhlenbergia Rigens*</i>	Deer Grass
	<i>Myoporum Pacificum</i>	Creeping Myoporum
	<i>Pittosporum Tobira 'Whealers Dwarf'</i>	Whealers Dwarf Pittosporum
	<i>Rosmarinus Officinalis*</i>	Rosemary
	<i>Rosa Floribunda 'Carpet Rose'</i>	Carpet Rose
	<i>Salvia Apiana</i>	White Sage
	<i>Salvia Mellifera</i>	Black Sage
	<i>Senecio Mandralisca*</i>	Senecio
	<i>Trachelospermum Jasminioides</i>	Star Jasmine
	<i>Yucca Aloifolia</i>	Spanish Bayonet
	<i>Yucca Baccata</i>	Banana Yucca
	<i>Yucca Elata</i>	Soaptree Yucca
	<i>Yucca Gloriosa</i>	Spanish Dagger
	<i>Yucca Rigida</i>	Blue Yucca
	<i>Yucca Whipplei</i>	Our Lord's Candle
Palm Trees	<i>Phoenix Canariensis</i>	Canary Island Palm
	<i>Phoenix Dactylifera,</i>	Senegal Date Palm
	<i>Washingtonia Filifera</i>	California Fan Palm

*Acceptable planting option within the Cucamonga Creek channel easement area.

7.8 Perimeter Streetscape Design

Streetscape design guidelines establish a hierarchy for the landscape development along the surrounding roadways, as well as establish a framework for consistency of design. Two roadways surround the project site as follows:

- » Merrill Avenue to the North
- » Archibald Avenue to the East

Merrill Avenue and Archibald Avenue shall be designed with Low Impact Development Site Design BMP's to retain/infiltrate or biotreat 85th percentile storm event runoff from newly-widened portions of these streets, per the requirements of the current San Bernardino County Water Quality Management Plan.

Landscape development surrounding this project will help to set the character, while maintaining consistency with the City of Ontario's pedestrian pathway system as illustrated in the "Trails and Open Space System" section of the Ontario Ranch Streetscape Master Plan. Streetscape sections described below are located on Exhibit 7.4a, and 7.4b, "Typical Landscape Cross Sections."

7.9 Sustainable Design Strategies

Sustainable practices can lessen the environmental impacts of development in many ways through the use of certain design techniques. These techniques can include reduced pervious surfaces, improved water detention and conservation, preservation of habitat areas, water-efficient irrigation, and improved pedestrian and bicycle amenities which reduce reliance on smog-generating vehicles. This Specific Plan encourages the implementation of sustainable design strategies referenced below and in Appendix B1, with the goal to reduce Greenhouse Gas Emissions.

7.9.1 Site Planning

- » Incorporate "green" practices in developing buildings and infrastructure.

- » Wherever possible, design and grade the project to direct 2-year storm event runoff from building roofs and paved areas, into swaled landscape areas for capture and retention/infiltration. In particular, open space, parks, landscaped setback areas and trails are to be used for this purpose. Include deciduous trees to shade paved areas and building walls on south and west.
- » Stabilize slopes to limit erosion as part of the Stormwater Management Plan and erosion control plan.

7.9.2 Energy Efficiency

Where feasible and appropriate, the following energy conservation strategies are encouraged:

- » Passive design strategies can dramatically affect building energy performance. These measures include building shape and orientation, passive solar design, and the use of natural lighting.
- » Develop strategies to provide natural lighting to reduce reliance on artificial lighting.
- » Install high-efficiency lighting systems with advanced lighting controls.
- » Use a properly sized and energy-efficient heat/cooling system in conjunction with a thermally efficient building shell.
- » Promote the use of light colored roofing with a high solar reflectance in order to reduce the heat island effect from roofs.
- » Include deciduous trees to shade paved areas and building walls on the south and west sides.

7.9.3 Materials Efficiency

- » Sustainable construction materials and products are encouraged to have characteristics such as reused and recycled content, zero or low off gassing

of harmful air emissions, zero or low toxicity, sustainably harvested materials, high recyclability, durability, longevity, and local production. Such products promote resource conservation and efficiency. Using recycled-content products also helps develop markets for recycled materials that are being diverted from California's landfills, as mandated by the Integrated Waste Management Act.

- » Encourage the use of low VOC paints and wallpapers.
- » Encourage the use of low VOC Green Label carpet.
- » Encourage the use of material efficiency strategies. These strategies reduce the amount of building materials needed and cut construction costs. Consider designing rooms on four foot multiples to conform to standard-sized wallboard and plywood sheets.
- » Consider using recycle base, crushed concrete base, recycle content asphalt, shredded tires in base and asphalt in roads, parking areas and drive aisles, if feasible and economically viable.
- » Design with adequate space to facilitate recycling collection and to incorporate a solid waste management program that prevents waste generation.
- » Encourage the use of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project.
- » Encourage the use of rapidly renewable building materials and products (made from plants that are typically harvested within a ten-year cycle or shorter). Examples of materials that could achieve this goal include, but are not limited to, bamboo, wool, cotton insulation, agrifiber, linoleum, wheatboard, strawboard and cork.

7.9.4 Water Efficiency

- » Strive to minimize wastewater by using ultra low-flush toilets, low-flow shower heads and other water conserving fixtures.
- » Encourage the use of recirculating systems for centralized hot water distribution.
- » Smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions for all landscaped areas are required.
- » Drip irrigation, bubblers, micro-irrigation or other low precipitation irrigation or water conserving technology shall supply water for irrigation.
- » Encourage the use of recycled water to irrigate landscape areas throughout the project. The non-potable irrigation system shall be designed to meet all applicable standards of the California Regional Water Quality Control Board, California Department of Health, San Bernardino County Health Department, City of Ontario Department of Water and Power, and Ontario Municipal Code.

7.9.5 Occupant Health and Safety

- » Choose construction materials and interior finish products with zero or low emissions to improve indoor air quality as feasible.
- » Provide adequate ventilation and a high-efficiency, in-duct filtration system. Heating and cooling systems that ensure adequate ventilation and proper filtration can have a dramatic and positive impact on indoor air quality.
- » Provide effective drainage from the roof and surrounding landscape.
- » Encourage building systems to control humidity.

- » Provide outdoor employee break areas with shade structure or shade trees on the west and south sides as feasible.

7.9.6 Landscape Design

- » Use low or medium water use and native plant materials where appropriate. Minimize turf areas in order to promote water conservation. Limit the use of turf to areas which experience high functional use and are needed to accommodate outdoor activities. Only use warm-season turf varieties which are suited to the climate.
- » Provide plant materials that are well suited to the solar orientation and shading of buildings.
- » Group plants according to water use, slope aspect and sun/shade requirements. Irrigate each hydrozone on a separate valve using high-efficiency irrigation techniques.
- » Use organic wood or shredded bark mulch and soil amendments to retain soil moisture.
- » Incorporate native vegetation into the plant palette for Colony Commerce Center East.

8

IMPLEMENTATION

The Colony Commerce Center East Specific Plan serves to implement the City's Policy Plan policies applicable to the project site and provide for orderly development of the project site. Tentative tract maps and parcel maps, once approved, shall establish the legal lots, public dedications, and easements within for the project.

8.1 Methods and Interpretation

Development within the Colony Commerce Center East Specific Plan shall be implemented through the City approval of tentative and final tract maps and parcel maps and through the Development Plan Review process as established in the City of Ontario Development Code.

The implementation process described herein provides the mechanisms for review and approval of development projects within the Colony Commerce Center East.

8.2 Applicability

All development proposals within the project shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence.

In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

8.3 Interpretation

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City of Ontario Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

8.4 Implementation of Design Guidelines

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which development within the project shall be reviewed during Development Plan Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects as part of Development Plan Review.

8.5 Development Review Process

8.5.1 Subdivision Maps

Approval of tentative subdivision maps may occur concurrently with the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions of the Land Use, Infrastructure, Design Guidelines, and Development Regulations adopted as part of this Specific Plan.

8.5.2 Development Plan

All development projects within the confines of the Colony Commerce Center East Specific Plan shall be subject to the Development Plan Review process as established in the City's Development Code. Pursuant to these provisions, Development Plan Review constitutes a design review of project architecture, site plans, landscape plans, and grading plans.

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan which provide direction for the design of development projects within Colony Commerce Center East. Where the Specific Plan development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Development Code shall apply.

The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects by the City.

8.5.3 Development Agreement

Approval of statutory Development Agreements, per individual property owner, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map.

The Development Agreements shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure. The Colony Commerce Center East Development Agreement shall be fully executed prior to the issuance of the first building permits for the project.

8.6 Specific Plan Modifications and Amendments

8.6.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, and do not require a Specific Plan Amendment and are subject to review and approval by

the Planning Director. The Planning Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- » Change in utility and/or public service provider.
- » Collector roadway alignment when the change results in a center line shift of less than 250 feet.
- » An increase of up to ten percent (10%) in square footage of floor area subject to approval of the Planning Director and agreement of the property owner, provided the total square footage of floor area number for the entire Specific Plan area does not exceed that established by this Specific Plan.
- » Adjustment of a Planning Area boundary or acreage designated for a Planning Area provided the total acreage of the affected planning area does not increase by more than ten percent (10%).
- » Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the conceptual design set forth in the design guidelines contained within the Specific Plan.
- » Minor changes to the design guidelines, which are intended to be conceptual in nature, and are intended to be flexible in implementation.
- » Minor changes of up to ten percent (10%) of any quantifiable development standard or design guideline subject to approval of the Planning Director.
- » Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the Policy Plan.

8.6.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or the City pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments.

In the event that the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) is/are responsible for preparing the necessary CEQA documentation.

8.7 Variances

Variances and Administrative Exceptions to the development regulations contained in the Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading shall be reviewed pursuant to “Variances and Administrative Exceptions” of the City of Ontario Development Code.

8.8 Conditional Use Permits

Uses specified as conditionally permitted uses within Table 6.2 of Chapter 6, “Development Regulations,” of the Specific Plan shall be reviewed and approved by the City pursuant to the requirements of “Conditional Use Permits” of the Ontario Development Code.

8.9 Compliance with Mitigation Monitoring Plan

Certification of an Environmental Impact Report (EIR) shall be required prior to approval of the Specific Plan. Development within the project site shall comply with all approved mitigation measures as described in the Mitigation Monitoring Program included as part of the EIR.

8.10 Project Phasing

Phasing of development within the Specific Plan shall meet the following objectives:

- » Orderly build-out of the project based upon market and economic conditions.
- » Provision of adequate infrastructure and public facilities as determined and deemed necessary by the City concurrent with development of each phase.
- » Protection of public health, safety and welfare.

8.11 Infrastructure Phasing

Backbone infrastructure within the Colony Commerce Center East shall be installed by the project developer in accordance with this Specific Plan and the approved project Development Agreement or as approved by the City.

Grading and installation of infrastructure to serve Colony Commerce Center East is anticipated to be completed in two phases – Planning Area 1 and Planning Area 2 (Phase 1), then Planning Area 3 (Phase 2). These phases may be developed as subphases and may occur either sequentially or concurrently with one another.

8.12 Appeals

Appeals from any determination of the City Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of “Appeals” of the City of Ontario Development Code.

8.13 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the “facilities”), and public services shall include funding through a combination of financing mechanisms. Final determination as to the facilities to be constructed and as to maintenance responsibilities, whether publicly or privately maintained, shall be made prior to recordation of final maps.

In order to implement the project, financing options including, but not limited to, the following shall be considered:

8.13.1 Facilities and Services

- » Private capital investment for the construction of facilities.
- » 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 a variety of public facilities and the provision of public services.

8.13.2 Operation and Maintenance

- » By individual private property owner.
- » By private Property Owners Association.
- » By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district. City Council approval is a prerequisite for the implementation of any and all special district-financing mechanisms. The use of the Mello-Roos Community Facilities District Act of 1982 (the “Act”) to finance public facilities and services shall be at the City’s sole discretion. Moreover, the use of the Act shall be consistent with the City’s adopted goals and policies concerning the use of the Act.

8.14 Maintenance Plan

The public and private improvements constructed within Colony Commerce Center East shall be maintained through a combination of public and private entities as described in Table 8.1, “Maintenance Responsibilities.”

8.14.1 Public Maintenance

- » All Master Plan streets, and sidewalks serving the Planning Areas shall be dedicated as public streets to the City of Ontario.
- » Landscape improvements within the public right-of-way of Master Plan streets and public street lights within Colony Commerce Center East shall be maintained through a landscape and lighting district or other community financed district established by the City.
- » All on-site water, sewer, and storm drains within the public streets or easements dedicated to the City shall be constructed by the developer and, upon acceptance, shall be maintained by the City.
- » Off-site infrastructure improvements such as water, sewer and storm drain facilities shall be maintained by the City. Permanent on-site water quality basins, trenches, swales and biotreatment filters required by San Bernardino County MS4 Permit and Water Quality Management Plan and constructed within Colony Commerce Center East shall be maintained by the Property Owner’s Association in accordance with Table 8.1.

8.14.2 Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common area landscape improvements and private roadways within areas of Colony Commerce Center East. Improvements to be maintained by the POA include:

- » Designated private drives, alleys, and adjacent landscaping.
- » Designated private streets and landscaping. During the course of maintenance of public utilities within public streets, private streets, private drive aisles, or alleys, the City will restore the streets to City standards for trench backfill, pavement repair, and hardscape or landscape, as applicable and to the original quality. Restoration of any enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the POA or other entity maintaining those enhancements.
- » Courts, parkways and landscaping within the industrial areas.
- » Parkways of Interior Local Streets including sidewalks, landscaping and street lights.
- » Maintenance of interior local street landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed.
- » Internal slopes fronting streets and slope areas.
- » All internal open spaces, and common areas.
- » NPDES facilities within private streets and/or common areas.
- »
- » Any monument signs indentifying the Colony Commerce Center East specific plan site.

Table 8.1 Maintenance Responsibilities

	City and/ or CFD	Private Owners Association	Utility Entity
Master plan roadways (Archibald and Merrill Avenues)	●		
Interior (collector) public streets - curb-to-curb (primary entry streets, secondary entry streets)	●		
Interior private streets or drives (3)		●	
Traffic control signs	●		
Parkways and neighborhood edges of master plan roadways	●		
Off-site and on-site public water, sewer, and storm drain improvements (excluding laterals)(1)	●		
Community Trail (Cucamonga Creek)	●		
Front yard and all on-site landscaping and irrigation		●	
Private interior yard walls		●	
Project theme wall or fence		●	
Interior project graffiti removal		●	
Neighborhood edge on all non-master plan roadways(3)		●	
Parkways of all interior project streets (including landscaping, medians, and sidewalks)(2)(3)		●	
Monument signs within tract entry		●	
Electricity and natural gas			●
Communications systems			●
Police and Fire	●		
Fiber optic conduit (in Ontario Ranch streets)	●		
Fiber optic conduit (in-tract streets)	●		
NPDES facilities on private property		●	

(1) Only those facilities in public roads or easements

(2) Only those facilities on private property

(3) Outside public right-of-way

A1

APPENDIX GENERAL PLAN CONSISTENCY

A1.1 General Plan Consistency

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 et seq grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the General Plan.

A Specific Plan is designed to address site specific issues such as existing on-site conditions relative to topography and existing environmental concerns, site design and layout, including setbacks and visual appearance, as well as circulation, utility provisions and infrastructure financing alternatives.

The California Government Code establishes the authority and procedures to adopt a specific plan; identifies the required contents of a specific plan; mandates consistency with the General Plan; and also mandates consistency of any future projects or zoning ordinance amendments with a specific plan. Section 9-1.200 of Title 9 of the City of Ontario's Municipal Code states the purpose and intent of specific plans.

The City's Municipal Code will act as a supplement for those areas and issues not covered by this Specific Plan regulations for administration review procedures, environmental review, and others.

The Colony Commerce Center East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in this Appendix describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan policies applicable to the project.

Plan Policy	Specific Plan Consistency
Land Use (LU) 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.	
<p>Policy 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.</p>	<p><i>Consistent. The Colony Commerce Center East site location falls within planned infrastructure improvements designated by the City of Ontario.</i></p>
<p>Policy LU1-2: Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/ Smart Growth principles into the development and entitlement process.</p>	<p><i>Consistent. The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept incorporates a plant palette of drought tolerant materials and includes requirements that the development implement planting and irrigation systems designed to conserve water.</i></p>
<p>Policy LU1-3: Adequate Capacity. We require adequate infrastructure and services for all development.</p>	<p><i>Consistent. The Colony Commerce Center East Specific Plan establishes an infrastructure and public facilities plan to ensure that adequate roadways and public utilities including sewer, water, and drainage facilities, along with other public facilities, are provided to serve the project.</i></p>
<p>Policy LU1-4: Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU1-5: Jobs-Housing Balance. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to further regional and subregional goals for jobs-housing balance.</p>	<p><i>Consistent. The industrial and business park uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. The industrial and business park uses planned for in Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy LU1-7: Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.</p>	<p><i>Not Applicable.</i></p>
<p>Goal LU2: Compatibility between a wide range of uses.</p>	
<p>Policy LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.</p>	<p><i>Consistent. Many of the adjacent properties to the Colony Commerce Center East have transitioned to more industrials and residential uses.</i></p>
<p>Policy LU2-2: Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.</p>	<p><i>Consistent. The project will provide neighborhood buffers which provide for increased setbacks along the frontage of Merrill Avenue and Archibald Avenue.</i></p>
<p>Policy LU2-3: Hazardous Uses. We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.</p>	<p><i>Consistent. The project will comply with all local and state requirements for using, storing, producing, or transporting toxic substances, air emissions, other pollutants, or hazardous materials.</i></p>
<p>Policy LU2-4: Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU2-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.</p>	<p><i>Consistent. Many of the adjacent properties to the Colony Commerce Center East have transitioned to more industrials uses.</i></p>
<p>Policy LU2-6: Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.</p>	<p><i>Consistent. Streets within and adjacent to the Specific Plan area will be landscaped in an aesthetically pleasing manner with 4-7 foot wide landscaped parkways on each side of the street. Decorative project monuments will be constructed at key project entries providing project identification and establishing a sense of arrival.</i></p>
<p>Policy LU2-7: Inter-jurisdictional Coordination. We maintain an ongoing liaison with IEUA, LAWA, Caltrans, Public Utilities Commission, the railroads and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU2-8: Transitional Areas. We require development in transitional areas to protect the quality of life of current residents.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy 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.</p>	<p><i>Consistent. If necessary, the project will comply with appropriate mitigation measures identified in the project EIR for soil remediation and proper venting to address the potential existence of methane gases within the project.</i></p>
<p>Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.</p>	
<p>Policy LU3-1: Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.</p>	<p><i>Consistent. This Specific Plan includes development standards that allow for flexibility to achieve the City's vision.</i></p>
<p>Policy LU3-2: Design Incentives. We offer design incentives to help projects achieve the Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.</p>	
<p>Policy LU4-1: Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU4-2: Interim Development. We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU4-3: Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.</p>	<p><i>Consistent. Approval of the Colony Commerce Center East Specific Plan is accompanied by an application for approval of a development agreement. The development agreement shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.</p>	
<p>Policy LU5-1: Coordination with Airport Authorities. We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-2: Airport Planning Consistency. We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations and/or adopted master plans and land use compatibility plans for the ONT and Chino Airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</i></p>
<p>Policy LU5-3: Airport Impacts. We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-4: ONT Growth Forecast. We support and promote an ONT that accomodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-5: Airport Compatibility Planning for ONT. We create and maintain the Airport Land Use Compatibility Plan for ONT.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-6: Alternative Process. We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-7: ALUCP Consistency and Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy LU5-8: Chino Airport. We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.</p>	<p><i>Consistent.</i> The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</p>

Community Design (CD) 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.

<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-2: Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.</p>	<p><i>Consistent.</i> The Specific Plan includes design guidelines to guide the physical character of all future industrial development and all project related features, including the overall landscape treatment within the project.</p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-4: Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-5: View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.</p>	<p><i>Consistent.</i> The Specific Plan includes improvements to Archibald Avenue which is a north-south street and will be designed in accordance to the Master Plan of Streets and Highways.</p>

Goal CD2:

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

Plan Policy	Specific Plan Consistency
<p>Policy CD2-1: Quality Architecture. We encourage all development projects to convey visual interest and character through:</p> <ul style="list-style-type: none"> » Building volume, massing, and height to provide appropriate scale and proportion; » A true industrial 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 industrial style. 	<p><i>Consistent.</i> The Specific Plan includes design guidelines to guide the construction of the project so that it is implemented in a comprehensive manner.</p>
<p>Policy 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:</p> <ul style="list-style-type: none"> » 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. 	<p><i>Not Applicable.</i></p>
<p>Policy CD2-3: Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-4: Mixed Use, Urban Office and Transit Serving Areas. We require mixed use, urban office and transit serving areas to be designed and developed as pedestrian oriented “villages” that promote a vibrant, comfortable and functional environment.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD2-5: Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.</p>	<p><i>Consistent. The Specific Plan is designed with comprehensive street improvements to accommodate the safe and efficient movement of automobiles as well as bicycle and pedestrian mobility and connectivity along the property frontage. The Colony Commerce Center East project will construct the half-width of the appropriate frontage roads as identified in this Specific Plan and the project Development Agreement.</i></p>
<p>Policy CD2-6: Connectivity. We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands” through the following means (Link to Mobility):</p> <ul style="list-style-type: none"> » local street patterns that provide access between subdivisions and within neighborhoods and discourage through traffic; » a local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials; and » neighborhoods, centers, public schools, and parks that are linked by pedestrian greenways/open space networks. These may also be used to establish clear boundaries between distinct neighborhoods and/or centers. 	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy 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.</p>	<p>Consistent. Sustainable Community/Smart Growth principles are incorporated into the Colony Commerce Center East Land Use Plan. The sustainable goals for the project as stated in the Specific Plan include the following:</p> <ul style="list-style-type: none"> » 1. Encourage walking and other non-vehicular modes of travel. » 2. Provide pedestrian connectivity through the project perimeter. » 3. Provide shaded outdoor areas for employee break areas. » 4. Encourage the use of architectural elements designed to reduce interior heat gain. » 5. Encourage the use of recycled, recyclable, and environmentally friendly building materials. » 6. Require the use of low energy glass and low water plumbing features. » 7. Encourage the use of drought tolerant landscaping and water efficient irrigation methods. <p>The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, and heating and cooling controls to conserve energy and water. The landscape concept incorporates a plant palette of drought tolerant materials and requirements that the development will implement planting and irrigation systems designed to conserve water.</p>
<p>Policy 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.</p>	<p>Not Applicable.</p>
<p>Policy 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.</p>	<p>Consistent. The landscape concept for Colony Commerce Center East incorporates the use of durable landscaping materials, a drought tolerant plant palette, and a planting and irrigation system designed to conserve water. Open space areas will include shaded areas, bicycle racks, and other amenity features to encourage pedestrian and other non-vehicular activities. All materials utilized in private and public common areas will be durable landscaping materials.</p>

Plan Policy	Specific Plan Consistency
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. Landscaping will be provided at entries within the Colony Commerce Center East. At key entries, a monumentation program may be utilized to help identify the project, as well as convey a sense of arrival and a welcoming feel for both vehicular and pedestrian traffic. These monuments and entries will be designed with durable, lasting materials approved by the City of Ontario.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. The Specific Plan requires the developer of Colony Commerce Center East to obtain approval by the City of a Sign Program to address project monumentation, building identification and wayfinding/signage within the project.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-14: Availability of Information. We provide easy access to information for developers, builders and the public about design quality, construction quality, and sustainable building practices.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-15: Leverage Professional and Trade Organizations. We support excellence in design and construction quality through collaboration with trade and professional organizations that provide expertise, resources and programs for developers, builders and the public.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal CD3:</p> <p style="text-align: center;">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.</p>	

Plan Policy	Specific Plan Consistency
<p>Policy 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.</p>	<p><i>Consistent. This Specific Plan includes development standards and design guidelines that will achieve the City’s vision.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. This Specific Plan includes development standards and design guidelines that include landscape provisions that will be used to achieve the City’s vision.</i></p>
<p>Policy CD3-3: Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.</p>	<p><i>Consistent. This Specific Plan includes development standards and building design and guidelines that allow for flexibility to achieve the City’s vision.</i></p>
<p>Policy CD3-4: Ground Floor Usage of Commercial Buildings. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. The Specific Plan requires that the design and materials used for all road surfaces and sidewalks within the project be subject to approval by the Engineering Department.</i></p>
<p>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.</p>	
<p>Policy CD4-1: Cultural Resource Management. We update and maintain an inventory of historic sites and buildings, professional collections, artifacts, manuscripts, photographs, documents, maps and other archives.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD4-3: Collaboration with Outside Agencies. We pursue opportunities to team with other agencies, local organizations and non-profits in order to preserve and promote Ontario’s heritage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-5: Adaptive Reuse. We actively promote and support the adaptive reuse of historic sites and buildings to preserve and maintain their viability.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.</p>	<p><i>Not Applicable.</i></p>
<p>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.</p>	
<p>Policy 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.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the public, private, and utility entities responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, traffic signals, infrastructure, and utilities within the project.</i></p>
<p>Policy CD5-2: Maintenance of Infrastructure. We require the continual maintenance of infrastructure.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible entities for continual maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD5-3: Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.</p>	<p><i>Not Applicable.</i></p>

Mobility (M) Element

Goal M1:

A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

<p>Policy M1-1: Roadway Design and Maintenance. We require our roadways to:</p> <ul style="list-style-type: none"> » Comply with federal, state and local design and safety standards. » Meet the needs of multiple transportation modes and users. » Handle the capacity envisioned in the Functional Roadway Classification Plan. » Maintain a peak hour Level of Service (LOS) E or better at all intersections. » Be compatible with the streetscape and surrounding land uses. » Be maintained in accordance with best practices and our Right-of-Way Management Plan. 	<p><i>Consistent.</i> The Specific Plan requires consistency with the requirements of the City’s Functional Roadway Classification Plan and the Ontario Ranch Streetscape Master Plan. The roadway system is designed to maintain a peak hour Level of Service (LOS) E or better at all intersections as discussed in the project EIR. Site design, source control for the project are required to be submitted by the developer for approval by the City prior to issuance of permits for the project.</p>
<p>Policy M1-2: Mitigation of Impacts. We require development to mitigate its traffic impacts.</p>	<p><i>Consistent.</i> All mitigation measures, standard conditions, and project design features identified in the project EIR to mitigate traffic impacts of the project will be implemented by the project prior to any occupancy.</p>
<p>Policy M1-3: Roadway Improvements. We work with Caltrans, SANBAG and others to identify, fund and implement needed improvements to roadways identified in the Functional Roadway Classification Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M1-4: Adjacent Jurisdictions. We work with neighboring jurisdictions to meet our level of service standards at the City limits.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal M2: A system of trails and corridors that facilitate and encourage bicycling and walking.</p>	
<p>Policy M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.</p>
<p>Policy M2-2: Bicycle System. We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.</p>
<p>Policy M2-3: Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.</p>
<p>Policy M2-4: Network Opportunities. We explore opportunities to expand the pedestrian and bicycle networks. This includes consideration of utility easements, levees, drainage corridors, road right-of-ways, medians and other potential options.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.</p>
<p>Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.</p>	
<p>Policy M3-1: Transit Partners. We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-2: Transit Facilities at New Development. We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as necessary.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-3: Transit-Oriented Development. We may provide additional development-related incentives to those inherent in the Land Use Plan for projects that promote transit use.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-4: Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy M3-5: Light Rail. We support extension of the Metro Rail Gold Line to Ontario, and will work to secure station locations adjacent to the Meredith site and at the proposed multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-6: Metrolink Expansion. We advocate expansion of Metrolink service to include the Downtown and the multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-7: High Speed Rail. We encourage the development of high-speed rail systems that would enhance regional mobility in Southern California and serve the City of Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-8: Feeder Systems. We work with regional transit agencies to secure convenient feeder service from the Metrolink station and the proposed multimodal transit center to employment centers in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-9: Ontario Airport Metro Center Circulator. We will explore development of a convenient mobility system, including but not limited to shuttle service, people mover, and shared car system, for the Ontario Airport Metro Center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-10: Multimodal Transit Center. We intend to ensure the development of a multimodal transit center near LAONT airport to serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator and other future transit modes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-11: Transit and Community Facilities. We require the future development of community-wide serving facilities to be sited in transit-ready areas that can be served and made accessible by public transit. Conversely, we plan (and coordinate with other transit agencies to plan) future transit routes to serve existing community facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Goal M4:</p> <p>An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.</p>	
<p>Policy M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy M4-2: Regional Participation. We work with regional and subregional transportation agencies to plan and implement goods movement strategies, including those that improve mobility, deliver goods efficiently and minimize negative environmental impacts</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-3: Railroad Grade Separations. We eliminate at-grade rail crossings identified on the Functional Roadway Classification Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-4: Environmental Considerations. We support efforts to reduce/eliminate the negative environmental impacts of goods movement.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-5: Air Cargo. We support and promote a LAONT airport that accommodates 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal M5: A proactive leadership role to help identify and facilitate implementation of strategies that address regional transportation challenges.</p>	
<p>Policy M5-1: Regional Leadership. We maintain a leadership role to help identify and implement potential solutions to long-term regional transportation problems.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M5-2: Land Use Compatibility with Regional Transportation Facilities. We work with LAWA, railroads, Caltrans, SANBAG, and other transportation agencies to minimize impacts.</p>	<p><i>Not Applicable.</i></p>

Environmental Resources (ER) Element

Goal ER1:

A reliable and cost effective system that permits the City to manage its diverse water resources and needs.

<p>Policy ER-1: Local Water Supply. We increase local water supplies to reduce our dependence on imported water.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER-2: Matching Supply to Use. We match water supply and quality to the appropriate use.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER1-3: Conservation. We require conservation strategies that reduce water usage.</p>	<p>Consistent. <i>The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California-friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible and includes the following minimum requirements.</i></p> <ul style="list-style-type: none"> » <i>All irrigation systems shall have automatic controllers designed to properly water plant materials given the site’s soil conditions, and irrigation systems for all public landscapes shall have automatic rain shut-off devices.</i> » <i>Drip bubblers or low volume irrigation is required in areas less than 8’ wide.</i> » <i>Spray systems shall have low volume matched precipitation heads.</i> » <i>All CFD areas are to be controlled with central control irrigation systems, and all trees are to be irrigated utilizing a pop up stream bubbler system on a separate valve. All CFD areas shall be designed to City Standard Specifications.</i>
<p>Policy ER1-4: Supply-Demand Balance. We require that available water supply and demands be balanced.</p>	<p>Not Applicable.</p>
<p>Policy ER1-5: Groundwater Management. We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.</p>	<p>Consistent. <i>The Specific Plan requires that the developer obtain approval of a StormWater Pollution Prevention Plan (SWPPP) prior to issuance of grading or construction permits. The SWPPP will be prepared to comply with California State Water Resources Control Board’s current “General Permit to Discharge StormWater Associated With Construction Activity” and current “Area Wide Urban Storm Water Runoff (Regional NPDES) Permit.” The SWPPP will identify and detail all appropriate Best Management Practices (BMP’s) to be implemented or installed during construction of the project.</i></p> <p><i>In addition to the preparation of a SWPPP for construction-related activities, and as part of the approval of any grading plans for the project, the developer is required to submit a Water Quality Management Plan (WQMP) on the regional model form provided by the City. The WQMP shall identify and detail all Site Design BMP’s, Source Control BMP’s and Treatment Control BMP’s to be implemented or installed as part of the project in order to reduce storm water pollutants and site runoff.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER1-6: Urban Run-off Quantity. We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.</p>	<p><i>Consistent. The Specific Plan requires that grading and drainage for the project be designed to detain, filter, and treat surface runoff in a manner which is practical in order to comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program’s Quality Management (WQMP) for significant new development projects. Site design for the project is required to incorporate features which will minimize the use of impervious surfaces and maximize on-site infiltration, Source Control Best Management Practices (BMP’s) and either on-site Structural Treatment Control BMP’s or participation in regional or watershed-based Treatment Control BMP’s.</i></p>
<p>Policy ER1-7: Urban Run-off Quality. We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.</p>	<p><i>Consistent. The Specific Plan requires that the project comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program’s Quality Management (WQMP) for significant new development projects. A final WQMP is required to be submitted by the developer for approval by the City prior to the issuance of any grading and construction permits for the project.</i></p>
<p>Policy ER1-8: Wastewater Management. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.</p>	<p><i>Consistent. The Specific Plan requires the construction of a wastewater system consistent with City requirements and also requires that the project obtain approval of a WQMP for the project prior to the issuance of any grading or construction permit.</i></p>
<p>Goal ER2: A cost effective, integrated waste management system that meets or exceeds state and federal recycling and waste diversion mandates.</p>	
<p>Policy ER2-1: Waste Diversion. We shall meet or exceed AB 939 requirements.</p>	<p><i>Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.</i></p>
<p>Policy ER2-2: Hazardous and Electronic Wastes. We prohibit the disposal of hazardous and electronic waste into the municipal waste stream pursuant to state law.</p>	<p><i>Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.</i></p>
<p>Policy ER2-3: Purchase Products Made from Recycled Materials. We purchase recycled-content products where it is cost effective.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal ER3:</p> <p>Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region’s carbon footprint.</p>	
<p>Policy ER3-1: Conservation Strategy. We require conservation as the first strategy to be employed to meet applicable energy-saving standards.</p>	<p><i>Consistent.</i> The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California Friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible. The Specific Plan requires the construction of separate water mains for the use of recycled water in public and common areas of the project. All new construction will utilize fixtures, and heating and cooling controls to conserve water and energy.</p>
<p>Policy ER3-2: Green Development– Communities. We require the use of best practices identified in green community rating systems to guide the planning and development of all new communities.</p>	<p><i>Consistent.</i> The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept for Colony Commerce Center incorporates a plant palette of drought tolerant materials and requirements that the development implement planting and irrigation systems designed to conserve water.</p>
<p>Policy ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.</p>	<p><i>Consistent.</i> The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water.</p>
<p>Policy ER3-4: Green Development– Public Buildings. We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER3-5: Fuel Efficient and Alternative Energy Vehicles and Equipment. We purchase and use vehicles and equipment that are fuel efficient and meet or surpass state emissions requirements and/or use renewable sources of energy.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER3-6: Generation- Renewable Sources. We promote the use of renewable energy sources to serve public and private sector development.</p>	<p><i>Not Applicable.</i></p>
<p>Goal ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.</p>	
<p>Policy ER4-1: Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.</p>	<p><i>Consistent. The industrial uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy ER4-2: Sensitive Land Uses. We prohibit the future siting of sensitive land uses, within the distances defined by the California Air Resources Board for specific source categories, without sufficient mitigation.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-4: Indoor Air Quality. We will comply with State Green Building Codes relative to indoor air quality.</p>	<p><i>Consistent. All development within the Specific Plan will be required to comply with the State Green Building Code as implemented by the City.</i></p>
<p>Policy ER4-5: Transportation. We promote mass transit and non-motorized mobility options (e.g. walking, biking) to reduce air pollutant emissions.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-6: Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-7: Other Agency Collaboration. We collaborate with other agencies within the South Coast Air Basin to improve regional air quality at the emission source.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-8: Tree Planting. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.</p>	<p><i>Not Applicable.</i></p>
<p>Goal ER5: Protected high value habitat and farming and mineral resource extraction activities that are compatible with adjacent development.</p>	
<p>Policy ER5-1: Habitat Conservation Areas. We support the protection of biological resources through the establishment, restoration and conservation of high quality habitat areas.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER5-2: Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.</p>	<p><i>Consistent.</i> The project will comply with all mitigation measures identified in the project EIR with regard to biological resources.</p>
<p>Policy ER5-3: Right to Farm. We support the right of existing farms to continue their operations within the Ontario Ranch.</p>	<p><i>Consistent.</i> The Specific Plan supports the right of existing farms to continue their operations within the Ontario Ranch.</p>
<p>Policy ER5-4: Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.</p>	<p><i>Consistent.</i> The Specific Plan supports the right of existing farms to continue their operations in addition to transitioning their properties to other uses within the Ontario Ranch</p>
<p>Policy ER5-5: Mining Operations. We prohibit future mining operations where the resource extraction activities are incompatible with existing or proposed adjacent land uses.</p>	<p><i>Not Applicable.</i></p>

Safety (S) 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.

<p>Policy 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.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy 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.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S1-3: Continual Update of Technical Information. We maintain up-to-date California Geological Survey seismic hazard maps.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S1-4: Seismically Vulnerable Structures. We conform to state law regarding unreinforced masonry structures.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal S2: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.</p>	
<p>Policy S2-1: Entitlement and Permitting Process. We follow State guidelines and building code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S2-2: Flood Insurance. We will limit development in flood plains and participate in the National Flood Insurance Program.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S2-3: Facilities that Use Hazardous Materials. We comply with state and federal law and do not permit facilities using, storing, or otherwise involved with substantial quantities of onsite hazardous materials to be located in the 100 year flood zone unless all standards of elevation, flood proofing and storage have been implemented to the satisfaction of the Building Department.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S2-4: Prohibited Land Uses. We prohibit the development of new essential and critical facilities in the 100-year floodplain.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S2-5: Storm Drain System. We maintain and improve the storm drain system to minimize flooding.</p>	<p><i>Consistent.</i> The project shall improve the storm drain system as planned by the City of Ontario.</p>
<p>Policy S2-6: Use of Flood Control Facilities. We encourage joint use of flood control facilities as open space or other types of recreational facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S3: Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.</p>	
<p>Policy S3-1: Prevention Services. We proactively mitigate or reduce the negative effects of fire, hazardous materials release, and structural collapse by implementing the adopted Fire Code.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>

Plan Policy	Specific Plan Consistency
<p>Policy S3-2: Community Outreach. We provide education to local schools and community groups to promote personal and public safety.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-3: Fire and Emergency Medical Services. We maintain sufficient fire stations, equipment and staffing to respond effectively to emergencies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-4: Special Team Services. We maintain effective special rescue services.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-5: Emergency Communication Services. We maintain a 9-1-1 emergency communication and dispatch center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-6: Interagency Cooperation. In order to back up and supplement our capabilities to respond to emergencies, we participate in the California Fire Rescue and Mutual Aid Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-7: Water Supply and System Redundancy. We monitor our water system to manage firefighting water supplies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-8: Fire Prevention through Environmental Design. We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Fire Department which may require the development to incorporate fire prevention design elements in streetscapes, sites, open spaces and buildings.</i></p>
<p>Policy S3-9: Resource Allocation. We analyze fire data to evaluate the effectiveness of our fire prevention and reduction strategies and allocate resources accordingly.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.</p>	
<p>Policy S4-1: Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.</p>	<p><i>Consistent. The Specific Plan shall comply with the City's Noise Ordinance and building codes in order to mitigate noise impacts.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S4-2: Coordination with Transportation Authorities. We collaborate with airport owners, FAA, Caltrans, SANBAG, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans to minimize noise impacts and provide appropriate mitigation measures.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-3: Airport Noise Mitigation. We aggressively pursue funding and utilize programs to reduce effects of aircraft noise in impacted areas of our community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-4: Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-5: Roadway Design. We design streets and highways to minimize noise impacts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.</p>	
<p>Policy S5-1: Backup Power in Critical Facilities. We require backup power be maintained in critical facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S5-2: Dust Control Measures. We require the implementation of Best Management Practices for dust control at all excavation and grading projects.</p>	<p><i>Consistent. Construction within the Specific Plan will comply with a City approved construction management plan and all mitigation measures identified in the project EIR with regard to dust control.</i></p>
<p>Policy S5-3: Grading in High Winds. We prohibit excavation and grading during strong wind conditions, as defined by the Building Code.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S6: Reduced potential for hazardous materials exposure and contamination.</p>	
<p>Policy S6-1: Disclosure and Notification. We enforce disclosure laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S6-2: Response to Hazardous Materials Releases. We respond to hazardous materials incidents and coordinate these services with other jurisdictions.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-3: Safer Alternatives. We minimize our use of hazardous materials by choosing non-toxic alternatives that do not pose a threat to the environment.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-4: Safe Storage and Maintenance Practices. We require that the users of hazardous materials be adequately prepared to prevent and mitigate hazardous materials releases.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-5: Location of Hazardous Material Facilities. We regulate facilities that will be involved in the production, use, storage or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-6: Location of Sensitive Land Uses. We prohibit new sensitive land uses from locating within airport Safety Zones and near existing sites that use, store, or generate large quantities of hazardous materials.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-7: Household Hazardous Waste. We support the proper disposal of household hazardous substances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-8: Mitigation and Remediation of Groundwater Contamination. We actively participate in local and regional efforts directed at both mitigating environmental exposure to contaminated groundwater and taking action to clean up contaminated groundwater once exposure occurs.</p>	<p><i>Consistent. The project will comply with all mitigation measures identified as part of the project EIR for groundwater remediation and if necessary, proper action to clean up contaminated groundwater within the project.</i></p>
<p>Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.</p>	<p><i>Consistent. The project will comply with all mitigation measures identified as part of the project EIR for soil remediation and if necessary, proper venting to address the potential existence of methane gases within the project.</i></p>
<p>Goal S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement and a system of continuous monitoring.</p>	
<p>Policy S7-1: Police Unit Response. We respond to calls for service in a timely manner.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S7-2: Community Oriented Problem Solving (C.O.P.S.). We support and maintain the mission of COPS to identify and resolve community problems.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-3: Prevention Services. We provide crime prevention programs targeted to youth, parents, seniors, businesses, and neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-4: Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Police Department which may require the development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.</i></p>
<p>Policy S7-5: Interdepartmental Coordination. We utilize all City departments to help reduce crime and promote public safety.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-6: Partnerships. We partner with other local, state and federal law enforcement agencies and private security providers to enhance law enforcement service to Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-7: Resource Allocation. We analyze crime data to evaluate the effectiveness of crime prevention and reduction strategies and allocate resources accordingly.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S8: Disaster resilient, prepared community through effective emergency/disaster preparedness, response, mitigation and recovery.</p>	
<p>Policy S8-1: State and Federal Mandates. We maintain emergency management programs that meet the requirements of the State of California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-2: Emergency Management Plans. We maintain, update and adopt the Emergency Operations Plan (EOP) and the Hazard Mitigation Plan (HMP).</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-3: Emergency/Disaster Training Exercises. We conduct training and exercises to prepare for and evaluate emergency/disaster response and recovery procedures.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S8-4: Interagency Collaboration. We partner with public and private organizations, such as participation in the California Master Mutual Aid Agreement, in order to enhance and compliment our planning and response capabilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-5: Interdepartmental Coordination. We utilize all City departments to help support emergency/disaster preparedness, response, mitigation and recovery.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-6: Community Outreach. We provide education to the community to promote personal, family and community emergency preparedness.</p>	<p><i>Not Applicable.</i></p>

Community Economics (CE) Element

Goal CE1:

A complete community that provides for all incomes and stages of life.

<p>Policy CE1-1: Jobs-Housing Balance. We pursue improvement to the Inland Empire’s balance between jobs and housing by promoting job growth that reduces the regional economy’s reliance on out-commuting.</p>	<p><i>Consistent.</i> The industrial uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</p>
<p>Policy CE1-2: Jobs and Workforce Skills. We use our economic development resources to: 1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor force to improve its skills and education; and 3) attract businesses that increase Ontario’s stake and participation in growing sectors of the regional and global economy.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-3: Regional Approach to Workforce Development. We work with our partners to provide workforce training and development services throughout the region recognizing that Ontario employers rely on workers living outside of the City.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE1-4: Business Retention and Expansion. We continuously improve two-way communication with the Ontario business community and emphasize customer service to existing businesses as part of our competitive advantage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-5: Business Attraction. We proactively attract new and expanding businesses to Ontario in order to increase the City’s share of growing sectors of the regional and global economy.</p>	<p><i>Consistent. The Colony Commerce Center East allows for the development of regionally serving employment centers accommodating a variety of jobs that can meet short- and long-term market demands. The project is also consistent with regional planning goals such as SCAG’s Goods Movement Corridor with consideration to strategies that facilitate goods movement through the area.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-7: Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-8: Regional Attraction. We encourage the development and programming of regional, cultural, and entertainment destinations in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-9: Regional Leadership. We provide leadership for public, quasi-public, and private-sector partners that help Ontario and its residents and businesses realize our goals and achieve our Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-10: Life-Long Education. We work with our partners who provide life-long learning to ensure that our residents and workforce have access to education at all stages of life.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-11: Socioeconomic Trends. We continuously monitor, plan for, and respond to changing socioeconomic trends.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE1-12: Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-13: Safety and Security. We invest in public safety and communicate our successes because the perception and reality of safety and security are necessary prerequisites for private investment and economic growth.</p>	<p><i>Not Applicable.</i></p>
<p>Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.</p>	
<p>Policy CE2-1: Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.</p>	<p><i>Consistent. The Specific Plan includes design guidelines that will encourage a quality development that adds value to the surrounding area.</i></p>
<p>Policy 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.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City’s Subdivision Ordinance and Development Plan Review process which provides for review by the City’s Planning Department which may require the development to demonstrate how the project will create appropriately unique, functional and sustainable places.</i></p>
<p>Policy CE2-3: Interim Development. We require interim development that does not reflect the long-term Vision, be limited in scale of development so that the investment can be sufficiently amortized to make Vision-compatible redevelopment financially feasible.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE2-5: Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the private responsibilities for maintenance of private roadways, parkways, trails, common areas, parks, yards, walls, and monuments within the project.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE2-6: Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.</p>	<p><i>Consistent.</i> The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible public entities, including special districts, for maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.</p>

Housing (H) Element

Goal H1:
Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.

<p>Policy H1-1: Housing Rehabilitation. We support the rehabilitation, maintenance, and improvement of single-family, multiple-family, and mobile homes through code compliance, removal of blight where necessary, and provision of rehabilitation assistance where feasible.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-2: Neighborhood Conditions. We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-3: Community Amenities. We shall provide adequate public services, infrastructure, open space, parking and traffic management, pedestrian, bicycle and equestrian routes and public safety for neighborhoods consistent with City master plans and neighborhood plans.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-4: Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario’s past that are considered to be local historical or cultural resources.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-5: Neighborhood Identity. We strengthen neighborhood identity through creating parks and recreational outlets, sponsoring neighborhood events and encouraging resident participation in the planning and improvement of their neighborhoods.</p>	<p><i>Not Applicable.</i></p>

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.

Plan Policy	Specific Plan Consistency
<p>Policy H2-1: Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally and aesthetically suited to corridors.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-2: Historic Downtown. We foster a vibrant historic downtown through facilitating a wide range of housing types and affordability levels for households of all ages, housing preferences, and income levels.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-3: Ontario Airport Metro Center. We foster a vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-4: Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-5: Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-6: Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.</p>	<p><i>Not Applicable.</i></p>
<p>Goal H3:</p>	
<p>A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.</p>	
<p>Policy H3-1: Incentives. We maintain incentive programs that can be offered to projects that provide benefits to the community such as exceptional design quality, economic advantages, environmental sustainability, or other benefits that would otherwise be unrealized.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H3-4: Financial Incentives. We consider financial incentives to facilitate and encourage the production, rehabilitation or improvement of housing, or provision of services where such activity furthers housing and community-wide goals.</p>	<p><i>Not Applicable.</i></p>
<p>Goal H4: Increased opportunities for low and moderate income households and families to afford and maintain quality ownership and rental housing opportunities, including move-up opportunities.</p>	
<p>Policy H4-1: Preservation of Affordable Apartments. We strive to facilitate the preservation of the affordability of publicly assisted apartments for lower income households through financial assistance, technical assistance, rehabilitation, and collaborative partnerships.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-2: Homeownership Opportunities. We increase and expand homeownership rates for lower and moderate income households by offering financial assistance, low-interest loans and educational resources, and by working in collaboration with partnerships.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-3: Rental Assistance. We support the provision of rental assistance for individuals and families earning extremely low, very low, and low income with funding from the state and federal government.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-4: Mixed-income Housing. We encourage the integration of affordable housing in the Ontario Ranch, Ontario Airport Metro Center Area, and existing neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-5: Collaborative Partnerships. We support collaborative partnerships of nonprofit organizations, affordable housing developers, major employers, and for-profit developers to produce affordable housing.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-6: Fair Housing. We further fair housing by prohibiting discrimination in the housing market and providing education, support, and enforcement services to address discriminatory practices.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p style="text-align: center;">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.</p>	
<p>Policy H5-1: Senior Housing. We support the development of accessible and affordable senior housing and provide financial assistance for seniors to maintain and improve their homes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-3: Disabled People. We increase the supply of permanent, affordable and accessible housing for people with disabilities, and provide assistance to allow them to maintain and improve their homes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-4: Homeless People. We partner with non-profit partners to provide emergency shelters, transitional housing, permanent supportive housing, and supportive services for people who are homeless.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-5: Supportive Services. We financially support organizations, as feasible, that provide support services that meet the needs of those with special needs and further the greatest level of independence.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-6: Partnerships. We collaborate with non-profit organizations, private developers, employers, government agencies and other interested parties to develop affordable housing and provide support services.</p>	<p><i>Not Applicable.</i></p>

Parks & Rec (PR) Element

<p style="text-align: center;">Goal PR1: A system of safe and accessible parks that meets the needs of the community.</p>	
<p>Policy PR1-1: Access to Parks. We strive to provide a park and/or recreational facility within walking distance (¼ mile) of every residence.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-2: Adjacency to Schools. We examine locating parks adjacent to school sites to promote joint-use opportunities.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
Policy PR1-3: Funding. We shall seek outside, one-time sources of funding for capital improvements and reserve ongoing City funds primarily for operations and maintenance.	<i>Not Applicable.</i>
Policy PR1-4: Joint-use Opportunities. In areas where there is a need but no City recreational facility, we explore joint-use opportunities. (e.g., school sites).	<i>Not Applicable.</i>
Policy PR1-5: Acreage Standard. We strive to provide 5 acres of parkland (public and private) per 1,000 residents.	<i>Not Applicable.</i>
Policy PR1-6: Private Parks. We expect development to provide a minimum of 2 acres of developed private park space per 1,000 residents.	<i>Not Applicable.</i>
Policy PR1-7: Special Needs/Universal Design. We attempt to provide recreational opportunities at parks for people of all ages and abilities.	<i>Not Applicable.</i>
Policy PR1-8: Renovation. We examine renovating existing facilities prior to building replacement facilities.	<i>Not Applicable.</i>
Policy PR1-9: Phased Development. We require parks be built in new communities before a significant proportion of residents move in.	<i>Not Applicable.</i>
Policy PR1-10: Master Plans for Individual Park Facilities. We require an individual park master plan for parks in excess of 10 acres.	<i>Not Applicable.</i>
Policy PR1-11: Environmental Function of Parks. We require new parks to meet environmental management objectives.	<i>Not Applicable.</i>
Policy PR1-12: Trails. We promote connections between parks and local trails including those managed by other public agencies.	<i>Not Applicable.</i>
Policy PR1-13: Equestrian Trails. We require the design, construction and maintenance of equestrian trails in Rural Residential designated areas.	<i>Not Applicable.</i>
Policy PR1-14: Multi-family Residential Developments. We require that new multi-family residential developments of five or more units provide recreational facilities or open space, in addition to paying adopted impact fees.	<i>Not Applicable.</i>
Policy PR1-15: Trail Connectivity. We strengthen and improve equestrian, bike and multipurpose trail connections within the City and work to improve trail connections into adjacent jurisdictions.	<i>Not Applicable.</i>

Plan Policy	Specific Plan Consistency
<p>Policy PR1-16: Equestrian Master Plan. We use Homer Briggs Park as the primary focal point for the development of a Master Plan of Equestrian Trails in the Rural Residential area.</p>	<p><i>Not Applicable.</i></p>

Goal PR2:
A range of recreational programs provided by public, private and non-profit organizations that meet the needs of the community’s varied interests, age groups and abilities.

<p>Policy PR2-1: Participation. We program park facilities to maximize utilization and participation, while considering park size, location and population served.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-2: Needs Assessment. We track the needs and priorities for recreational programming and look for ways to meet demand.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-3: Community Involvement. We involve the local community in planning programs for neighborhood and community park facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-4: Access to Programs. We provide a range of program opportunities for residents of all income levels.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-5: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of recreational programs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-6: Crime Deterrents. We promote and participate in recreational programming as part of our crime prevention effort.</p>	<p><i>Not Applicable.</i></p>

Social Resources (SR) Element

Goal SR1:
A community where residents have access to information, services and goods that improve their health and well being.

<p>Policy SR1-1: Partnering for Healthcare. We work with healthcare providers, and local, regional, state and federal agencies to attract and retain a diversity of affordable, quality healthcare and facilities for the entire community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR1-2: Nutrition Choices. We support the promotion of healthy nutritional food choices in the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR1-3: Health Education. We promote health education, including disease prevention, mental health, nutrition and physical fitness.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR1-4: Physical Activity. We encourage activities and community design that improve the physical fitness of our community members.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal SR2: A range of educational and training opportunities for residents and workers of all ages and abilities that improves their life choices and provides a skilled workforce for our businesses.</p>	
<p>Policy SR2-1: Educational Partners. We partner with educational institutions throughout the region in order to expand the range and quality of educational offerings available to the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-2: Workforce Training. We will work with industrial organizations, businesses and educational institutions to create opportunities for workforce training.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-3: Joint Use of Facilities. We partner with public and private educational institutions to jointly use facilities for both City and educational purposes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-4: Access to Schools. We work with local and regional partners to improve the safety in and around schools and to improve access for citizens of all ages and abilities to schools and community services, such as after school and other programs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-5: School Facilities. We plan and coordinate with school districts for designing and locating school facilities to meet the City’s goals, such as for health, walkability, and safety and to minimize impacts to existing neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal SR3: A range of community and leisure programs and activities provided by public, private and non-profit organizations that meet the needs of the community’s varied interests, age groups and abilities.</p>	
<p>Policy SR3-1: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of community activities and events to citizens.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-2: Needs Assessment. We track the needs and priorities for community services and look for ways to meet demands and avoid duplication of offerings.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-3: Program Outreach. We promote information about leisure activities, classes, special events and other services and activities to our community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-4: Community Events. We plan and actively participate in regularly scheduled community events and seasonal or yearly citywide events.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR3-5: Community Activities as Crime Deterrents. We promote and participate in community activities as part of our crime prevention efforts.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal SR4: City libraries that connect community members of all ages and abilities to a broad range of programs, communication and informational resources.</p>	
<p>Policy SR4-1: Community Needs. We identify and monitor community needs for library services, technologies and facilities, and tailor them to effectively meet those needs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-2: Interagency Coordination. We leverage relationships with outside agencies, educational institutions and neighboring jurisdictions to share library resources to the benefit of Ontario residents.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-3: Library Outreach. We outreach to the community to increase the patronage of the library.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-4: Coordination with Other Community Services. We coordinate library programs with other recreational and community programs and facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-5: Focal Points of the Community. We design and program Ontario’s libraries as focal points for community engagement, including public outreach and community events.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-6: Robert E. Ellingwood Model Colony History Room. We work with the Museum of History and Art, Ontario in order to collect, preserve and display artifacts and images from Ontario’s heritage and connect the City’s past to the present through the History Room.</p>	<p><i>Not Applicable.</i></p>
<p style="text-align: center;">Goal SR5: Local heritage, entertainment and cultural experiences that enrich the lives of Ontario’s residents, workers, and visitors and serve to attract residents and businesses to the City.</p>	
<p>Policy SR5-1: Provision of Entertainment and Culture. We support a range of entertainment and cultural experiences such as public art, exhibitions and performances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-2: Local Heritage Education. We partner with educational providers to promote culture and heritage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-3: Public Art. We encourage public art in buildings, parks, open spaces and other public and private spaces.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR5-4: Private-Public Sector Events. We partner with private and nonprofit sectors to provide and promote participation in cultural activities including fairs, festivals and other events geared to neighborhoods, the City as a whole and the region.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-5: Promotion of Ontario Artists and Musicians. We promote awareness of entertainment and culture produced in Ontario.</p>	<p><i>Not Applicable.</i></p>

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B1

APPENDIX GREENHOUSE GAS EMISSIONS

B1.1 CEQA Thresholds and Screening Tables

The Ontario Climate Action Plan (CAP) includes reducing 39,769 Metric Tons of Carbon Dioxide Equivalents per year from new development by 2020 as compared to the 2020 unmitigated conditions. This requires new development to be 25% more efficient. Reductions related to transportation, water, solid waste, energy, and renewable energy sources all play a part in gaining this level of efficiency within new development.

The purpose of this Screening Table is to provide preliminary guidance for the Colony Commerce Center East Specific Plan in measuring the reduction of greenhouse gas emissions. The actual design features, choices, and construction measures to be incorporated into the development projects will be presented during the Development Plan submittal process to the City.

The Screening Table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as “feature”). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development within the Colony Commerce Center East Specific Plan can implement the GHG reduction measures.

The point levels are based upon improvements compared to 2008 emission levels of efficiency. Projects within the Specific

Plan that garner at least 100 points will be consistent with the reduction quantities anticipated in the City’s CAP.

As such, those projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

CEQA THRESHOLDS AND SCREENING TABLES

Table 2: Screening Table for Implementation of GHG Reduction Measures for Commercial/Industrial Development

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS E3: Commercial/Industrial Energy Efficiency Development			
Building Envelope			
Insulation	2008 baseline (walls R-13; roof/attic R-30) Modestly Enhanced Insulation (walls R-13, roof/attic R-38) Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38) Greatly Enhanced Insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	0 points 15 points 18 points 20 points	15
Windows	2008 Baseline Windows (0.57 U-factor, 0.4 solar heat gain coefficient [SHGC]) Modestly Enhanced Window Insulation (0.4 U-factor, 0.32 SHGC) Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC) Greatly Enhanced Window Insulation (0.28 or less U-factor, 0.22 or less SHGC) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	0 points 7 points 8 points 12 points	8
Cool Roof	Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance) Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance) Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance)	12 points 14 points 16 points	12
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage. Air barrier applied to exterior walls, caulking, and visual inspection such as the HERS Verified Quality Insulation Installation (QII or equivalent) Blower Door HERS Verified Envelope Leakage or equivalent <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	12 points 10 points	-
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	Modest Thermal Mass (10% of floor or 10% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	4 points	
	Enhanced Thermal Mass (20% of floor or 20% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	6 points	-
	Enhanced Thermal Mass (80% of floor or 80% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	24 points	
Indoor Space Efficiencies			
Heating/ Cooling Distribution System	Minimum Duct Insulation (R-4.2 required) Modest Duct insulation (R-6) Enhanced Duct Insulation (R-8) Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	0 points 8 points 10 points 14 points	14
Space Heating/ Cooling Equipment	2008 Minimum HVAC Efficiency (EER 13/60% AFUE or 7.7 HSPF) Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF) High Efficiency HVAC (EER 15/72% AFUE or 8.5 HSPF) Very High Efficiency HVAC (EER 16/80% AFUE or 9 HSPF) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	0 points 7 points 8 points 12 points	-
Commercial Heat Recovery Systems	Heat recovery strategies employed with commercial laundry, cooking equipment, and other commercial heat sources for reuse in HVAC air intake or other appropriate heat recovery technology. Point values for these types of systems will be determined based upon design and engineering data documenting the energy savings.	TBD	-
Water Heaters	2008 Minimum Efficiency (0.57 Energy Factor) Improved Efficiency Water Heater (0.675 Energy Factor) High Efficiency Water Heater (0.72 Energy Factor) Very High Efficiency Water Heater (0.92 Energy Factor) Solar Pre-heat System (0.2 Net Solar Fraction) Enhanced Solar Pre-heat System (0.35 Net Solar Fraction)	0 points 14 points 16 points 19 points 4 points 8 points	-
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	All peripheral rooms within building have at least one window or skylight	1 points	7
	All rooms within building have daylight (through use of windows, solar tubes, skylights, etc.)	5 points	
	All rooms daylighted	7 points	
Artificial Lighting	2008 Minimum (required)	0 points	9
	Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt)	9 points	
	High Efficiency Lights (50% of in-unit fixtures are high efficacy)	12 points	
	Very High Efficiency Lights (100% of in-unit fixtures are high efficacy)	14 points	
Appliances	Energy Star Commercial Refrigerator (new)	4 points	8
	Energy Star Commercial Dish Washer (new)	4 points	
	Energy Star Commercial Cloths Washing	4 points	
Miscellaneous Commercial/Industrial Building Efficiencies			
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes conditions for natural heating, cooling, and lighting.	6 point	6
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21st.	6 Points	-
Other	This allows innovation by the applicant to provide design features that increases the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	-
Existing Commercial building Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing commercial buildings to further the point value of their project. Retrofitting existing commercial buildings within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case by case basis and must have the approval of the Ontario Planning Department. The decision to allow applicants the ability to participate in this program will be evaluated based upon, but not limited to the following:	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	<p>Will the energy efficiency retrofit project benefit low income or disadvantaged communities?</p> <p>Does the energy efficiency retrofit project fit within the overall assumptions in the reduction measure associated with commercial building energy efficiency retrofits?</p> <p>Does the energy efficiency retrofit project provide co-benefits important to the City?</p> <p>Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project.</p>		
Reduction Measure PS E4: Commercial/Industrial Renewable Energy			
Photovoltaic	<p>Solar Photovoltaic panels installed on commercial buildings or in collective arrangements within a commercial development such that the total power provided augments:</p> <p>Solar Ready Roofs (sturdy roof and electric hookups)</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p> <p>80 percent of the power needs of the project</p> <p>90 percent of the power needs of the project</p> <p>100 percent of the power needs of the project</p>	<p>2 points</p> <p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p> <p>50 points</p> <p>56 points</p> <p>60 points</p>	-
Wind turbines	<p>Some areas of the City lend themselves to wind turbine applications. Analysis of the areas capability to support wind turbines should be evaluated prior to choosing this feature.</p> <p>Wind turbines as part of the commercial development such that the total power provided augments:</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p>	<p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p>	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	80 percent of the power needs of the project	50 points	
	90 percent of the power needs of the project	56 points	
	100 percent of the power needs of the project	60 points	
Off-site renewable energy project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing commercial/industrial that will help implement reduction measures associated with existing buildings. These off-site renewable energy retrofit project proposals will be determined on a case by case basis accompanied by a detailed plan documenting the quantity of renewable energy the proposal will generate. Point values will be based upon the energy generated by the proposal.	TBD	-
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed will be decided based upon engineering data documenting the ability to generate electricity.	TBD	-
Reduction Measure PS W2: Commercial/Industrial Water Conservation			
Irrigation and Landscaping			
Water Efficient Landscaping	Eliminate conventional turf from landscaping Only moderate water using plants Only low water using plants Only California Native landscape that requires no or only supplemental irrigation	0 points 3 points 4 points 8 points	4
Trees	Increase tree planting in parking areas 50% beyond City Code requirements	TBD	-
Water Efficient irrigation systems	Low precipitation spray heads < .75"/hr or drip irrigation Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)	1 point 5 points	1
Recycled Water	Recycled water connection (purple pipe) to irrigation system on site	5 points	5
Storm water Reuse Systems	Innovative on-site stormwater collection, filtration and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	3 points	-
Toilets	Water Efficient Toilets/Urinals (1.5gpm)	3 points	-
	Waterless Urinals (note that commercial buildings having both waterless urinals and high efficiency toilets will have a combined point value of 6 points)	4 points	
Faucets	Water Efficient faucets (1.28gpm)	3 points	-
Commercial Dishwashers	Water Efficient dishwashers (20% water savings)	4 points	4
Commercial Laundry Washers	Water Efficient laundry (15% water savings)	3 points	-
	High Efficiency laundry Equipment that captures and reuses rinse water (30% water savings)	6 points	
Commercial Water Operations Program	Establish an operational program to reduce water loss from pools, water features, etc., by covering pools, adjusting fountain operational hours, and using water treatment to reduce draw down and replacement of water. Point values for these types of plans will be determined based upon design and engineering data documenting the water savings.	TBD	-
Reduction Measure PS T1: Land Use Based Trips and VMT Reduction			
Mixed Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed use projects will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Local Retail Near Residential (Commercial only Projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled. The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Reduction Measure PS T2: Bicycle Master Plan			
Bicycle Infrastructure	Ontario's Bicycle Master Plan is extensive and describes the construction on 11.5 miles of Class I bike paths and 23 miles of Class II and Class III bikeways to build upon the current 8 miles of bikeways.	TBD	-
	Provide bicycle paths within project boundaries.	TBD	
	Provide bicycle path linkages between project site and other land uses.	2 points	
	Provide bicycle path linkages between project site and transit.	5 points	

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS T3: Electric Vehicle Infrastructure			
Electric Vehicles	Provide public charging station for use by an electric vehicle. <i>(ten points for each charging station within the facility)</i>	10 points	10
Reduction Measure PS T4: Employee Based Trip &VMT Reduction Policy			
Compressed Work Week	Reduce the number of days per week that employees need to be on site will reduce the number of vehicle trips associated with commercial/industrial development. Compressed work week such that full time employees are on site: 5 days per week 4 days per week on site 3 days per week on site	TBD	-
Car/Vanpools	Car/vanpool program Car/vanpool program with preferred parking Car/vanpool with guaranteed ride home program Subsidized employee incentive car/vanpool program Combination of all the above	TBD	-
Employee Bicycle/ Pedestrian Programs	Complete sidewalk to residential within ½ mile Complete bike path to residential within 3 miles Bike lockers and secure racks Showers and changing facilities Subsidized employee walk/bike program (Note combine all applicable points for total value)	TBD	-
Shuttle/Transit Programs	Local transit within ¼ mile Light rail transit within ½ mile Shuttle service to light rail transit station Guaranteed ride home program Subsidized Transit passes Note combine all applicable points for total value	TBD	-
CRT	Employer based Commute Trip Reduction (CRT). CRTs apply to commercial, offices, or industrial projects that include a reduction of vehicle trip or VMT goal using a variety of employee commutes trip reduction methods. The point value will be determined based upon a TIA that demonstrates the trip/VMT reductions. Suggested point ranges: Incentive based CRT Programs (1-8 points) Mandatory CRT programs (5-20 points)	TBD	-
Other Trip Reductions	Other trip or VMT reduction measures not listed above with TIA and/or other traffic data supporting the trip and/or VMT for the project.	TBD	-
Total Points from Commercial/Industrial Project:			103

**Colony Commerce Center East
Specific Plan**

Screencheck #4 | February 2018

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Development Code Amendment (File PDCA18-002) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Pursue the City's Goals and Objectives of Working with Other Governmental Agencies

FISCAL IMPACT: None.

BACKGROUND: On April 17, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment. While the Ontario International Airport Authority ("OIAA") has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport.

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

7

Dating back to 1992, the General Plan designation for the airport was “Industrial” and the property was zoned M3, General Industrial. The land uses allowed within the M3 zone were representative of the M3 zone and have not been changed to reflect the more commercial nature of the airport. As a result, land uses within the ONT zone have been re-evaluated in light of current operations.

Since taking over control of the airport, OIAA has made huge strides in restoring Ontario International Airport to the regional significance that it once enjoyed. As ridership has increased, OIAA has been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. The nature of the inquiries requires OIAA to move quickly to secure potential opportunities. OIAA and City staff have worked together to propose changes to the review process, to streamline building permits for the airport.

To that end, the City is proposing several modifications to the Development Code to adjust and clarify certain provisions of the Code, which are summarized below. The proposed ordinance contains the detailed Development Code amendments.

The Development Code Amendment includes the following:

[A] Amend *Table 2.02-1: Review Matrix* to provide development applications that comply with all regulations and standards as a ministerial (administrative) permit and decision, requiring plan check. This will provide a more expedited review of development on the airport;

[B] Pursuant to the Joint Powers Authority, OIAA is designated as the lead agency for environmental review. As a result, *Table 2.02-1: Review Matrix* is amended to reflect OIAA’s responsibility for conducting the environmental review for property zoned ONT;

[C] Amend Table 5.02-1 (Land Use Matrix), adding certain land use classifications as shown on Exhibit A of the Resolution, to eliminate inappropriate industrial uses from the ONT zone and recognize the commercial nature of the airport; and

[D] Recognizing that Ontario International Airport is a regional draw and, as such, has unique signage needs to serve the traveling public, Chapter 8 Sign Regulations is being amended to provide for up to six (6) billboards and to allow the development of a uniform sign program to address monument sign, wall sign, and wayfinding/directional sign needs to serve the traveling public.

On March 27, 2018, the Planning Commission conducted a public hearing on the application. After considering all public testimony, the Planning Commission voted 4 to 2 to adopt its Resolution No. PC18-040, recommending approval of the Development Code Amendment.

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 project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: 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, in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

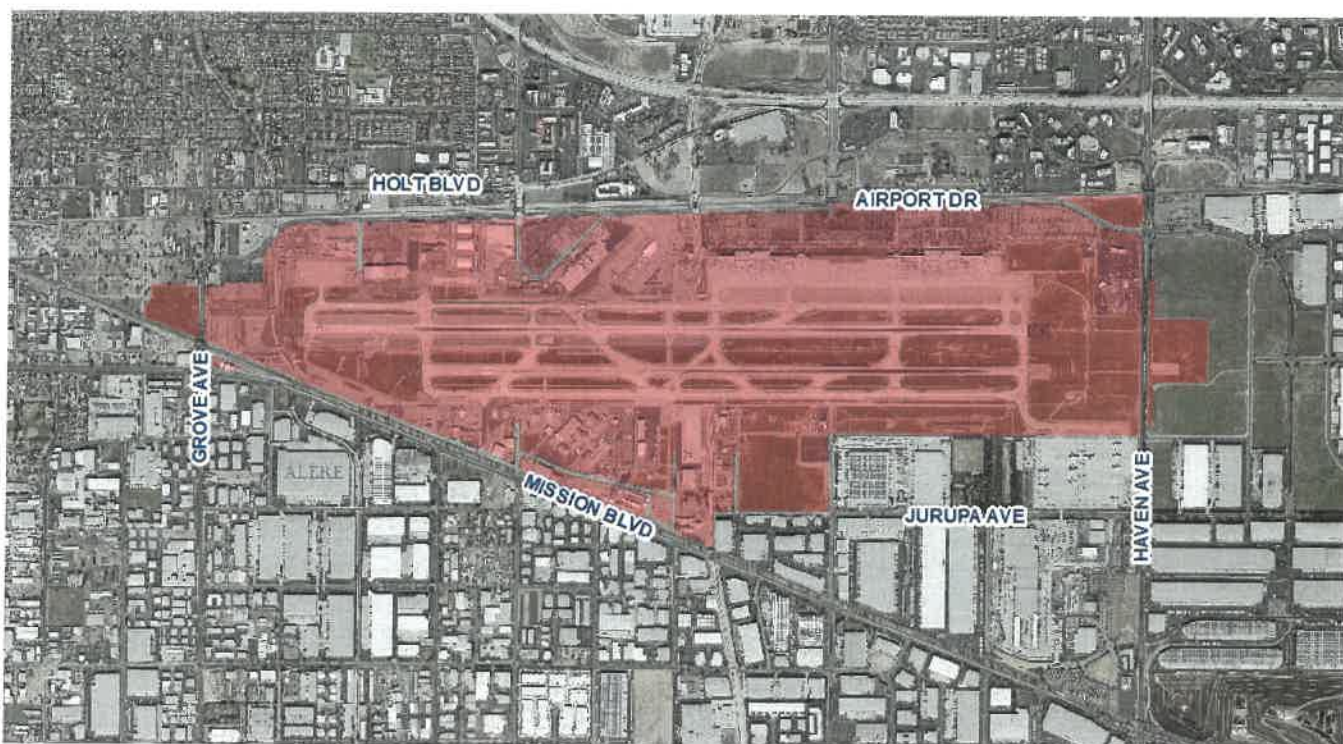


Figure 1. ONT Zone

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA18-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016.

WHEREAS, the Ontario Planning Department has initiated alterations to the Development Code for the purpose of modifying, clarifying and updating certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation; and

WHEREAS, the Ontario International Airport is a regional significant facility serving the traveling public; and

WHEREAS, operation of Ontario International Airport is subject to a Joint Powers Agreement between the City of Ontario and the County of San Bernardino wherein the Ontario International Airport Authority ("OIAA") was created to oversee airport operations; and

WHEREAS, since taking over control of the airport, OIAA has made huge strides in increasing passenger ridership at Ontario International Airport; and

WHEREAS, OIAA has been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. In either case, the nature of the inquiries requires OIAA to move quickly to secure potential opportunities; and

WHEREAS, while OIAA has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport; and

WHEREAS, the City is proposing several modifications to the Development Code to streamline the review process for projects within the ONT zone; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport (ONT), 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 ONT 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, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. The Commission voted 4 to 2 to adopt its Resolution No. PC18-040, recommending approval of the Development Code Amendment; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

b. The 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, in that the activity is covered by the general rule that CEQA applies only to projects that have

the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

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

SECTION 2. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not specifically affect the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the recommending body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the Ontario International Airport ALUCP.

SECTION 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 through 9 above, the City Council hereby concludes as follows:

a. The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

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

SECTION 5. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Development Code Amendment, File No. PDCA18-002, attached as Exhibit "A".

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

SECTION 9. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 10. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3098 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held May 1, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3098 duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018 and that Summaries of the Ordinance were published on April 24, 2018 and, in the May 8, 2018 Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

Proposed Development Code Amendment

(Development Code Amendment to follow this page)

Proposed Development Code Amendment File No. PDCA18-002:

2.02.005: Applicability

Table 2.02-1 (Review Matrix), below, establishes the recommending, approving, and appeal authorities for all permits, amendments, and approvals stipulated by this Development Code. The symbols used within the Table have the following meanings:

- R = Advisory (Recommending) Authority
- X = Approving Authority
- A = Appeal Authority

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]								
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2]	Historic Preservation Commission	Planning Commission	City Council
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS									
11. Wall, Fence, and Obstructions Plans (Ref. ODC Section 6.02.005)	X							A	A
12. Development Applications within the ONT zoning designation	X								
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS									
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]
6. Environmental review for projects within the ONT zoning designation [9]	--	--	--	--	--	--	--	--	--

Notes:

- [1] A hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).
- [3] The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.
- [4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority shall be subject to concurrent review and action by that higher Reviewing Authority.

- [5] *The Approving Authority for a Stay of Permit Approval Time Limit shall be the same as the related application, action or decision.*
- [6] *An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission*
- [7] *Refer to the ALUCP for procedures for application processing and administration, and appeals processing.*
- [8] *Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.*
- [9] *Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority (OIAA) shall be the lead agency.*

Table 5.02-1: Land Use Matrix (Partial)

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
00 RESIDENTIAL										
	Accessory Residential Structures									
	· Accessory Dwelling Units	P	---	---	---	---	---	---	---	See Subsection A (Accessory Dwelling Units) of Section 5.03.010
	· Accessory Residential Structures (includes guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures determined appropriate by the Planning Director)	P	---	P	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.010
	Animal Keeping (as an accessory use)									
	Household Pets (limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only)									
	· 4 or fewer pets	P	---	P	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
	Caretaker Quarters (excludes Caretaker Quarters established in conjunction with Self-Storage Facilities (NAICS 493190))	P	---	---	C	---	---	---	---	
	Community Gardens, Urban Farms, and Related Uses	A	A	A	---	A	A	---	A	See Section 5.03.410 (Urban Agriculture)
	Employee (Farmworker) Housing									
	· 6 or fewer employees	P	---	---	---	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	· 7 to 12 employees	P	---	---	---	---	---	---	---	
	Home Occupations	A	---	A	---	---	---	---	---	See Section 5.03.240 (Home Occupations)
	Mixed-Use Developments (commercial developments incorporating single-family and/or multiple-family dwellings)	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments)
	Mobilehome Parks	---	---	P	---	---	---	---	---	See Section 5.03.295 (Mobilehome Parks)
	Multiple-Family Dwellings	---	---	---	---	---	---	---	---	
	Second Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.355 (Second Dwellings)
	Senior Citizen Housing Developments	---	---	---	---	---	---	---	---	See Section 5.03.360 (Senior Citizen Housing Developments)
	Single-Family Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings)
	Single Room Occupancy (SRO) Facilities	---	---	---	---	---	---	---	---	See Section 5.03.370 (Single Room Occupancy (SRO) Facilities)
	Supportive Housing	---	C	---	C	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	Work/Live Units	---	---	---	---	---	---	---	---	See Section 5.03.425 (Work/Live Units)

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
11 COMMERCIAL AGRICULTURE										
111 Commercial Crop Production and Farming (except community gardens, urban farms, and marijuana cultivation)		P	---	---	P	P	P	P	P	See Section 5.03.410 (Urban Agriculture)
Community Gardens		A	A	A	A	A	A	A	A	
Urban Farms		A	A	---	A	A	A	A	A	
Marijuana Cultivation		---	---	---	---	---	---	---	---	See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use
112 Commercial Animal Production										
1121 Cattle Ranching and Farming		C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
1122 Hog and Pig Farming		---	---	---	---	---	---	---	---	
1123 Poultry and Egg Production		---	---	---	---	---	---	---	---	
1124 Sheep and Goat Farming		C	---	---	---	---	---	---	---	
1125 Aquaculture		C	---	---	---	---	---	---	---	
1129 Other Animal Production										
11291 Apiculture (bee keeping and production)		P	---	---	---	---	---	---	P	
11292 Horses and Other Equine Production		C	---	---	---	---	---	---	---	
11293 Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)		C	---	---	---	---	---	---	---	
11299 All Other Animal Production, limited to the following (NAICS 112990):										
112990 Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)										
Fewer than 8 animals		P	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture) and OMC Section 6-1.224 through Section 6-1.228 regarding commercial kennel licensing.
8 or more animals		C	---	---	A	---	---	---	---	
112990 Alpaca and Llama Farming		C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
112990 Aviaries		C	---	---	---	---	---	---	---	
112990 Ostrich, Emu, and Rhea Farming		C	---	---	---	---	---	---	---	
115 Support Activities for Agriculture										
115110 Support Activities for Crop Production (limited to cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)		P	---	---	---	---	---	---	---	
115210 Support Activities for Animal Production		P	---	---	---	---	---	---	---	
21 MINING, QUARRYING, AND OIL AND GAS EXTRACTION										
211 Oil and Gas Extraction		---	---	---	---	---	---	---	---	
212 Mining (except oil and gas)		---	---	---	---	---	---	---	---	
22 UTILITIES										

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
221	Utilities									
2211	Electric Power Generation, Transmission and Distribution									
22111	Electric Power Generation									
221111	Hydroelectric Power Generation	---	---	---	---	---	---	---	---	
221112	Fossil Fuel Electric Power Generation	---	---	---	P	---	---	---	---	
221113	Nuclear Electric Power Generation	---	---	---	---	---	---	---	---	
221114, 221115	Solar and Wind Electric Power Generation	---	P	---	---	---	---	---	C	See Section 5.03.160 (Electric Power Generation, Solar and Wind)
221116, 221117, 221118	Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)	---	---	---	---	---	---	---	---	
22112	Electric Power Transmission, Control and Distribution (transformer stations and substations)	---	C	C	C	C	C	C	C	
23	CONSTRUCTION									
236, 237, 238	Contractors (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital									
	· Completely within a Building	---	---	---	P	---	---	---	---	
	· With Outdoor Storage (screened from public view)	---	---	---	P	---	---	---	---	See Section 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors)
31-33	MANUFACTURING									
311	Food Manufacturing									
3111	Animal Food Manufacturing	---	---	---	P	---	---	---	---	
3112	Grain and Oilseed Milling	---	---	---	C	---	---	---	---	
3113	Sugar and Confectionery Product Manufacturing	---	---	---	---	---	---	---	---	
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	---	---	---	P	---	---	---	---	
3115	Dairy Product Manufacturing	---	---	---	P	---	---	---	---	
3116	Animal Slaughtering and Processing	---	---	---	C	---	---	---	---	
3117	Seafood Product Preparation and Packaging	---	---	---	C	---	---	---	---	
3118	Bread and Tortilla Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.085 (Bread and Tortilla Manufacturing)
3119	Other Food Manufacturing (including snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing)	---	---	---	P	---	---	---	---	See Section 5.03.190 (Food Manufacturing, Other)
312	Beverage and Tobacco Product Manufacturing									

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3121	Beverage Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales) for regulations regarding alcoholic beverage sales for on-premise consumption (such as tasting rooms) and/or off-premise consumption.
3122	Tobacco Products Manufacturing	---	---	---	P	---	---	---	---	
313	Textile Mills (transforms basic fiber into fabric)	---	---	---	P	---	---	---	---	
314	Textile Product Mills (transforms fabric into product, except apparel)	---	---	---	P	---	---	---	---	
315	Apparel Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.035 (Apparel Manufacturing)
316	Leather and Allied Product Manufacturing									
3161	Leather and Hide Tanning and Finishing	---	---	---		---	---	---	---	
3162	Footwear Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.195 (Footwear Manufacturing)
3169	Other Leather and Allied Product Manufacturing (limited to manufacturing of luggage, handbags, purses, personal leather goods and other leather products)	---	---	---	P	---	---	---	---	See Section 5.03.255 (Leather and Allied Product Manufacturing, Other)
321	Wood Product Manufacturing	---	---	---	P	---	---	---	---	
322	Paper Manufacturing									
3221	Pulp, Paper, and Paperboard Mills	---	---	---	P	---	---	---	---	
3222	Converted Paper Product Manufacturing	---	---	---	P	---	---	---	---	
323	Printing and Related Support Activities	---	---	---	P	---	---	---	---	
324	Petroleum and Coal Products Manufacturing	---	---	---	C	---	---	---	---	
325	Chemical Manufacturing									
3251	Basic Chemical Manufacturing	---	---	---	C	---	---	---	---	
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	---	---	---		---	---	---	---	
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing									
32531	Fertilizer Manufacturing (limited to mixing of purchased materials; excludes on-site composting facilities—see NAICS 562219)	C	---	---	C	---	---	---	---	
32532	Pesticide and Other Agricultural Chemical Manufacturing	---	---	---		---	---	---	---	
3254	Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing—see NAICS 325414, below)	---	---	---	P	---	---	---	---	See Section 5.03.325 (Pharmaceutical and Medicine Manufacturing)
325414	Biological Product (except diagnostic) manufacturing	---	---	---	C	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3255	Paint, Coating, and Adhesive Manufacturing	---	---	---	C	---	---	---	---	
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	---	---	---	C	---	---	---	---	See Section 5.03.375 (Soap, Cleaning Compound, and Toilet Preparation Manufacturing)
3259	Other Chemical Product and Preparation Manufacturing	---	---	---	C	---	---	---	---	
326	Plastics and Rubber Products Manufacturing									
3261	Plastics Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.335 (Plastics Product Manufacturing)
3262	Rubber Product Manufacturing	---	---	---	P	---	---	---	---	
327	Nonmetallic Mineral Product Manufacturing (except glass and glass product manufacturing)	---	---	---	C	---	---	---	---	
32721	Glass and Glass Product Manufacturing	---	---	---	C	---	---	---	---	
331	Primary Metal Manufacturing	---	---	---	C	---	---	---	---	
332	Fabricated Metal Product Manufacturing				P					
3321	Forging and Stamping	---	---	---	P	---	---	---	---	
3322	Cutlery and Hand Tool Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.135 (Cutlery and Hand Tool Manufacturing)
3323	Architectural and Structural Metals Manufacturing	---	---	---	P	---	---	---	---	
3324	Boiler, Tank and Shipping Container Manufacturing	---	---	---	P	---	---	---	---	
3325	Hardware Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.235 (Hardware Manufacturing)
3326	Spring and Wire Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.385 (Spring and Wire Product Manufacturing)
3327	Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.260 (Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing)
3328	Coating (e.g., anodizing, electroplating, etc.), Engraving, Heat Treating, and Allied Activities (except painting, powder coating, and polishing metal and metal products for the trade)	---	---	---	P	---	---	---	---	
332812	Painting, Powder Coating and Polishing Metal and Metal Products for the Trade	---	---	---	C P	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3329	Other Fabricated Metal Product Manufacturing									
33291	Metal Valve Manufacturing	---	---	---	P	---	---	---	---	
33299	All Other Fabricated Metal Product Manufacturing									
332991	Ball and Roller Bearing Manufacturing	---	---	---	P	---	---	---	---	
332992	Small Arms Ammunition Manufacturing	---	---	---	P	---	---	---	---	
332993	Ammunition (except Small Arms) Manufacturing	---	---	---	P	---	---	---	---	
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:									
	· Small Arms Manufacturing	---	---	---	P	---	---	---	---	
	· Other Ordnance and Accessories Manufacturing	---	---	---	P	---	---	---	---	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	---	---	---	---	---	---	
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.185 (Fabricated Metal Product Manufacturing, All Other Miscellaneous)
333	Machinery Manufacturing	---	---	---	P	---	---	---	---	
334	Computer and Electronic Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.115 (Computer and Electronic Product Manufacturing)
335	Electrical Equipment, Appliance, and Component Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.165 (Electrical Equipment, Appliance, and Component Manufacturing)
336	Transportation Equipment Manufacturing	---	---	---	P	---	---	---	---	
337	Furniture and Related Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.215 (Furniture and Related Product Manufacturing)
339	Miscellaneous Manufacturing									
3391, 3399	Medical Equipment and Supplies; Jewelry and Silverware; Sporting and Athletic Goods; Dolls, Toys and Games; Office Supplies; Signs; and All Other Miscellaneous Manufacturing (excepting Boutique Manufacturing Facilities)	---	---	---	P	---	---	---	---	See Section 5.03.265 (Manufacturing, Miscellaneous)
	Boutique Manufacturing Facilities	---	---	---	---	---	---	---	---	
42	WHOLESALE TRADE									
423	Merchant Wholesalers, Durable Goods									
4231	Motor Vehicles and Motor Vehicle Parts and Supplies	---	---	---	P	---	---	---	---	
4232	Furniture and Home Furnishings	---	---	---	P	---	---	---	---	
4233	Lumber and Other Construction Materials	---	---	---	P	---	---	---	---	
4234	Professional and Commercial Equipment and Supplies	---	---	---	P	---	---	---	---	
4235	Metals and Minerals (except Petroleum)	---	---	---	P	---	---	---	---	
4236	Household Appliances, and Electrical and Electronic Goods	---	---	---	P	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
4237	Hardware and Plumbing, and Heating Equipment and Supplies	---	---	---	P	---	---	---	---	
4238	Machinery Equipment and Supplies	---	---	---	P	---	---	---	---	
4239	Miscellaneous Durable Goods	---	---	---	P	---	---	---	---	
423910	Sporting and Recreational Goods and Supplies	---	---	---	P	---	---	---	---	
423920	Toy and Hobby Goods and Supplies	---	---	---	P	---	---	---	---	
423930	Recyclable Materials (includes wholesale activity only; refer to NAICS 562920 (Material Recovery Facilities) for recovery/processing (recycling) activities)	---	---	---	P	---	---	---	---	
423940	Jewelry, Watches, Precious Stones, and Precious Metals	---	---	---	---	---	---	---	---	
423990	Other Miscellaneous Durable Goods, excepting ordnance and accessories	---	---	---	---	---	---	---	---	
424	Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	---	---	---	P	---	---	---	---	
424690	Fireworks and Explosives	---	---	---	---	---	---	---	---	
424690	Industrial Gases and Liquefied Gases (except petroleum gases)	---	---	---	---	---	---	---	---	
424710	Petroleum Bulk Stations and Terminals	---	---	---	---	---	---	---	---	
424720	Petroleum and Petroleum Products (except bulk stations and terminals)	---	---	---	---	---	---	---	---	
425	Wholesale Electronic Markets and Agents, and Brokers									
425110	Business to Business Electronic Markets (via internet or other electronic means)	---	---	---	---	---	---	---	---	See Section 5.03.090 (Business to Business Electronic Markets)
425120	Wholesale Trade Agents and Brokers, limited to the following:									
	· Automobile auctions (wholesale auctions only)	---	---	---	---	---	---	---	---	
	· Durable and Nondurable Goods Agents and Brokers (office only)	---	---	---	---	---	---	---	---	See Section 5.03.155 (Durable and Nondurable Goods Agents and Brokers)

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44-45	RETAIL TRADE									
441	Motor Vehicle and Parts Dealers									
4411	Automobile Dealers, limited to new and used automobiles, and light trucks and vans (includes vehicle sales, and ancillary motor vehicle repair and maintenance activities)									
441110	New Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.040 (Automobile Dealers - New Vehicle Sales and Leasing, and Automobile Rental) and Section 5.03.305 (Motor Vehicle Dealers)
441120	Used Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4412	Other Motor Vehicle Dealers									
441221	Recreational Vehicles, Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441222	Boats	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441229	All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles)	---	---	---	P	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4413	Automotive Parts, Accessories and Tire Stores									
441310	Automotive Parts and Accessories (excludes automotive repair)	---	---	---	---	---	---	---	---	
441320	Tire Stores	---	---	---	---	---	---	---	---	
442	Furniture and Home Furnishings Stores	---	---	---	---	---	---	---	---	See Section 5.03.210 (Furniture and Home Furnishings Stores)
443	Electronics and Appliance Stores	---	---	---	P	---	---	---	---	See Section 5.03.175 (Electronics and Appliance Stores)
444	Building Materials, Garden Equipment and Supplies Stores	---	---	---	---	---	---	---	---	
445	Food and Beverage Stores									
	Alcoholic Beverage Sales for Off-Premise Consumption (except beer, wine and liquor stores (see NAICS 4453); and business to consumer internet retail wine sales (Type 85 ABC license) (NAICS 454111))	---	---	---	C	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
4451	Grocery Stores									
44511	Supermarkets and Other Grocery Stores (primarily retailing a range of grocery items and meats), Commissaries and Food Stores	---	---	---	---	---	---	---	---	
44512	Convenience Stores	---	---	---	P	---	---	---	---	See Section 5.03.125 (Convenience Markets and Specialty Food Stores)
4452	Specialty Food Stores									
44521, 44522, 44523, 44529	Confectionary and Baked Goods, Dairy Products, Ice Cream, Meat, Seafood, Produce (except farmers markets and certified farmers' markets), Soft Drink, Tea and Coffee, Water Stores, and All Other Specialty Foods	---	---	---	P	---	---	---	---	
445230	Farmers Markets and Certified Farmers Markets	C	C	---	---	---	C	---	---	

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4453	Beer, Wine and Liquor Stores	---	---	---	C P	---	---	---	---	
446	Health and Personal Care Stores									
446110	Pharmacies and Drug Stores	---	---	---	P	---	---	---	---	See Section 5.03.330 (Pharmacies and Drug Stores) See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
	Marijuana Dispensary	---	---	---	---	---	---	---	---	See Section 5.03.280 (Marijuana Dispensary)
44612	Cosmetics, Beauty Supplies, and Perfume Stores	---	---	---	P	---	---	---	---	
44613	Optical Goods Stores	---	---	---	P	---	---	---	---	
44619	Other Health and Personal Care Stores (limited to hearing aids, medical equipment and supplies, and prosthetics)	---	---	---	---	---	---	---	---	
447	Gasoline and Fueling Stations									
447110	Gasoline Fueling with Convenience Stores	---	---	---	---	---	---	---	---	
447190	Self-Serve and Full Service Fueling Stations	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Automated Fueling Facilities ("card lock" facilities)	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Truck Stops	---	---	---	C P	---	---	---	---	
448	Clothing and Clothing Accessories Stores	---	---	---	P	---	---	---	---	
451	Sporting Goods, Hobby, Book, and Music Stores (includes sporting goods stores; hobby, toy and game stores; sewing, needlework and piece goods (fabric and upholstery materials) stores; musical instrument and supplies stores; book stores; and news dealers and newsstands)	---	---	---	P	---	---	---	---	
452	General Merchandise Stores									
4521	Department Stores	---	---	---	---	---	---	---	---	
4529	Other General Merchandise Stores									
452910	Warehouse Clubs and Supercenters	---	---	---	---	---	---	---	---	
452990	All Other General Merchandise Stores (limited to dollar stores, variety stores and catalog showrooms)	---	---	---	P	---	---	---	---	
453	Miscellaneous Store Retailers									
4531	Florists	---	---	---	P	---	---	---	---	
4532	Office Supplies, Stationery, and Gift Stores	---	---	---	P	---	---	---	---	
4533	Used Merchandise Stores (except motor vehicles), limited to the following (NAICS 453310):									
453310	Antique, Vintage and Collectibles Shops	---	---	---	---	---	---	---	---	
453310	Consignment Shops	---	---	---	---	---	---	---	---	
453310	Flea Markets and Swap Meets (indoor only)	---	---	---	---	---	---	---	---	

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453310	Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes the purchase of used items, such as "cash for gold" stores)	---	---	---	P	---	---	---	---	
453310	Personal Property Donation Bins	---	---	---	---	---	---	---	---	See Section 5.03.320 (Personal Property Donation Bins)
453310	Thrift and Secondhand Stores, and Used Goods Stores	---	---	---	---	---	---	---	---	See Section 5.03.400 (Thrift and Secondhand Stores, and Used Goods Stores)
4539	Other Miscellaneous Store Retailers									
453910	Pet and Pet Supplies Stores	---	---	---	---	---	---	---	---	
453920	Art Dealers	---	---	---	---	---	---	---	---	
453930	Manufactured (Mobile) Home Dealers, limited to the following:									
	· Without Display of Homes	---	---	---	---	---	---	---	---	
	· With Indoor Display of Homes (no outdoor display of homes permitted)	---	---	---	---	---	---	---	---	
453991	Smoking/Vaping Retailers (includes cigar stores, cigarette stands, electronic cigarette stores, hookah supplies stores, smoking / vaping supplies stores, tobacco stores, and other similar facilities — In-store smoking and/or vaping shall be prohibited)	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments, Smoking / Vaping Lounges, and Smoking / Vaping Retailers)
453998	All Other Miscellaneous Store Retailers, limited to the following:									
	· Art Supplies, Candles, Closet Organizers, Collectibles, Flowers, Home Security Equipment, Hot Tubs, Janitorial Supplies, Police Supplies, Religious Goods, Swimming Pool Supplies and Trophy Shops	---	---	---	---	---	---	---	---	
	· Auction Houses	---	---	---	---	---	---	---	---	
	· Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused or wholesaled on-site)									
	[1] Up to 15% of Building GFA Area or 8,000 sq-ft, whichever is less	---	---	---	P	---	---	---	---	
	[2] Over 8,000 sq-ft or 15% of Building GFA	---	---	---	C P	---	---	---	---	
454	Nonstore Retailers									
4541	Electronic (internet) Shopping and Auctions, and Mail-Order Houses (includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales)	---	---	---	P	---	---	---	---	See Section 5.03.170 (Electronic Shopping and Mail-Order Houses)
4542	Vending Machine Operators	---	---	---	---	---	---	---	---	
4543	Direct Selling Establishments									
454312	Fuel Dealers (liquefied petroleum gas)	---	---	---	---	---	---	---	---	
454390	Other Direct Selling Establishments	---	---	---	---	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
48-49	TRANSPORTATION AND WAREHOUSING									
481	Air Transportation, limited to the following:									
	· Airport	---	---	---	P	---	---	---	---	See Section 5.03.020 (Air Transportation)
	· Helipad/Heliport	---	P	---	P	---	---	---	---	
482	Rail Transportation, limited to the following:									
	· Railroad Passenger Terminals (limited to line haul)	---	P	---	P	---	---	P	---	
	· Railroad Equipment Maintenance Yards	---	---	---	C	---	---	C	---	
484	Truck Transportation (includes general and specialized freight trucking)	---	---	---	P	---	---	---	---	
485	Transit and Ground Passenger Transportation									
4851	Urban Transit Systems (includes public mixed-mode, commuter rail and bus transit passenger terminals and stations)	C	C	C	P	C	C	C	C	
4853	Taxi and Limousine Services	---	---	---	P	---	---	---	---	
4855	Charter Bus Services	---	---	---	P	---	---	---	---	
488	Support Activities for Transportation									
4881	Support Activities for Air Transportation	---	---	---	P	---	---	---	---	
4882	Support Activities for Rail Transportation (includes servicing and maintenance facilities)	---	---	---	---	---	---	C	---	
4884	Support Activities for Road Transportation									
488410	Towing Services (see Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)	---	---	---	P	---	---	---	---	
488490	Bus Passenger Terminals (independent)	---	---	---	---	---	---	---	---	
4885	Freight Transportation Arrangement (limited to shipping agents and brokers)	---	---	---	---	---	---	---	---	See Section 5.03.200 (Freight Transportation Arrangement)
491	Postal Service (limited to US Postal Service and contract services. See "Private Mail Centers and Postal Services and Supplies" (NAICS 561431) for commercial mail services)	---	P	---	P	---	---	---	---	
492	Couriers and Messengers	---	---	---	P	---	---	---	---	
493	Warehousing and Storage									
493110	General Warehousing and Storage, limited to the following:									
	· Within a Wholly Enclosed Building	---	---	---	P	---	---	---	---	
	· Outside Materials and Equipment Storage	---	---	---	---	---	---	---	---	
	[1] In conjunction with an allowed use	---	---	---	P	---	---	---	---	
	[2] As a primary use of property	---	---	---	P	---	---	---	---	
493120	Refrigerated Warehousing and Storage	---	---	---	P	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
493190	Other Warehousing and Storage, limited to the following:									
	• Bulk Petroleum Storage (tank farm)	---	---	---	---	---	---	---	---	
	• Lumber Storage	---	---	---	P	---	---	---	---	
	• Motor Vehicle Storage	---	---	---	---	---	---	---	---	
	[1] Indoor Vehicle Storage	---	---	---	P	---	---	---	---	See Section 5.03.310 (Motor Vehicle Storage Facilities)
	[2] Outdoor Vehicle Storage	---	---	---	P	---	---	---	C	
	• Self-Storage Facilities (includes one Caretaker Quarters)	---	---	---	P	---	---	---	---	
	51 INFORMATION									
	511 Publishing Industries (except Internet—see Other Information Services)									
	5111 Newspaper, Periodical, Book, and Directory Publishers	---	---	---	---	---	---	---	---	
	5112 Software Publishers	---	---	---	---	---	---	---	---	
	512 Motion Picture and Sound Recording Industries									
	5121 Motion Picture and Video Industries (except Motion Picture and Video Exhibition -- movie theaters)	---	---	---	P	---	---	---	---	
	51213 Motion Picture and Video Exhibition (movie theaters)	---	---	---	---	---	---	---	---	
	5122 Sound (Audio) Recording Facilities	---	---	---	P	---	---	---	---	See Section 5.03.380 (Sound (Audio) Recording Facilities)
	515 Broadcasting (except Internet—see Other Information Services)									
	515112 Radio Stations	---	---	---	P	---	---	---	---	
	515120 Television Broadcast Studios	---	---	---	P	---	---	---	---	
	515120 Radio and Television Transmission/Antenna Facilities	---	---	---	---	---	---	---	---	
	517 Telecommunications Facilities									
	517311 Wired telecommunications Facilities	P	P	P	---	P	P	P	P	
	517312 Wireless Telecommunications Facilities	C	P	P	P	P	P	P	P	See Section 5.03.420 (Wireless Telecommunications Facilities)
	5174 Satellite Facilities	---	---	---	P	---	---	---	---	
	5179 All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	
	518 Data Processing, Hosting and Related Services	---	---	---	P	---	---	---	---	See Section 5.03.140 (Data Processing, Hosting and Related Services)
	519 Other Information Services									
	51911 News Syndicates (office only)	---	---	---	---	---	---	---	---	
	51912 Libraries and Archives	---	P	---	---	---	---	---	---	
	51913 Internet Publishing and Broadcasting	---	---	---	---	---	---	---	---	
	52 FINANCE AND INSURANCE									
	522 Credit Intermediation and Related Activities									

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions)	---	---	---	---	---	---	---	---	See Section 5.03.145 (Depository Credit Intermediation) See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
5222	Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, excepting pawnshops and pawn brokers)	---	---	---	---	---	---	---	---	
522298	Pawnshops and Pawnbrokers	---	---	---	---	---	---	---	---	
5223	Activities Related to Credit Intermediation									
52231	Mortgage and Nonmortgage Loan Brokers	---	---	---	---	---	---	---	---	
52232	Financial Transactions Processing and Clearinghouse Activities	---	---	---	---	---	---	---	---	
52239	Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)	---	---	---	---	---	---	---	---	See Section 5.03.130 (Credit Intermediation-Related Activities)
523, 524, 525	Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles	---	---	---	---	---	---	---	---	
53	REAL ESTATE, RENTAL AND LEASING									
531	Real Estate (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)	---	---	---	---	---	---	---	---	
531120	Banquet Facilities (standalone facilities only)	---	---	---	---	---	---	---	---	
532	Rental and Leasing Services									
5321	Automotive Equipment Rental and Leasing									
53211	Passenger Car Rental and Leasing	---	---	---	P	---	---	---	---	See Section 5.03.040 (Automobile Dealers—New Vehicle Sales and Leasing, and Automobile Rental)
53212	Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	---	---	---	P	---	---	---	---	
5322	Consumer Goods Rental (limited to rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs)	---	---	---	---	---	---	---	---	See Section 5.03.120 (Consumer Goods Rental)
5323	General Rental Centers (limited to home and garden tool and equipment rental)	---	---	---	---	---	---	---	---	See Section 5.03.230 (General Rental Centers)
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing	---	---	---	G	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
54	PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES									
541	Professional, Scientific and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (limited to legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services)	---	---	---	---	---	---	---	---	
5417	Scientific Research and Development Services	---	---	---	P	---	---	---	---	
5419	Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services)	---	---	---	P	---	---	---	---	
541940	Veterinary and Animal Hospital Services	C	---	---	---	---	---	---	---	
55	MANAGEMENT OF COMPANIES AND ENTERPRISES									
551	Management of Companies and Enterprises (limited to offices of holding companies, and corporate, subsidiary and regional managing offices)	---	---	---	---	---	---	---	---	
56	ADMINISTRATIVE AND SUPPORT, AND WASTE MANAGEMENT AND REMEDIATION SERVICES									
561	Administrative and Support Services									
5611, 5612	Office Administrative Services and Facilities, Support Services (limited to services provided for others on a contract or fee basis)	---	---	---	---	---	---	---	---	
5613	Employment Services (limited to employment placement, executive search and temporary employment services)	---	---	---	---	---	---	---	---	
5614	Business Support Services									
56141	Document Preparation Services	---	---	---	---	---	---	---	---	
56142	Telephone Call Centers	---	---	---	---	---	---	---	---	
56143	Business Service Centers									
561431	Private Mail Centers, and Postal Services and Supplies	---	---	---	P	---	---	---	---	
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)	---	---	---	P	---	---	---	---	
56144	Collection Agencies	---	---	---	---	---	---	---	---	
56145	Credit Bureaus	---	---	---	---	---	---	---	---	
56149	Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)	---	---	---	---	---	---	---	---	
5615	Travel Arrangement and Reservation Services	---	---	---	P	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
5616	Investigation and Security Services	---	---	---	---	---	---	---	---	
5617	Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services)	---	---	---	P	---	---	---	---	See Section 5.03.180 (Exterminating Services)
5619	Other Support Services (limited to packaging and labeling services, convention and trade show organizers, and document shredding services)	---	---	---	P	---	---	---	---	
562	Waste Management and Remediation Services									
5621	Waste Collection									
562111	Solid Waste Collection, limited to the following									
	· Waste, Refuse and Garbage Collection Services (service yards)	---	---	---	---	---	---	---	---	
	· Waste Transfer Facilities	---	---	---	C	---	---	---	---	
	· Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))									
	[1] Reverse Vending Machines	---	---	---	---	---	---	---	---	See Section 5.03.340 (Recycling Facilities)
	[2] Small Collection Facilities (a facility 500 SF or less in area, including Mobile Recycling Units, Bulk Reverse Vending Machines, Kiosk Type Units, and Unattended Containers)	---	---	---	P	---	---	---	---	
	[3] Large Collection Facilities (a facility greater than 500 SF in area)	---	---	---	P	---	---	---	---	
	[4] Processing Facilities	---	---	---	P	---	---	---	---	
	· Salvage Facilities (such as automobile dismantling and metal salvage/recycling. See NAICS 562920, Material Recovery Facilities, for the recovery/processing (recycling) of waste materials)									
	[1] Within a Wholly Enclosed Building	---	---	---	C	---	---	---	---	See Section 5.03.350 (Salvage Facilities)
	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
562112	Hazardous Waste Collection, limited to the following:									
	· Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)	---	---	---	---	---	---	---	---	
	· Hazardous Waste Collection Services	---	---	---	---	---	---	---	---	
	· Household Hazardous Waste Collection Facility	---	---	---	P	---	---	---	---	
562119	Other Waste Collection Services	---	---	---	---	---	---	---	---	
5622	Waste Treatment and Disposal									
562211	Hazardous Waste Treatment and Disposal	---	---	---	---	---	---	---	---	
562212	Solid Waste Landfill	---	---	---	---	---	---	---	---	
562213	Solid Waste Combustors and Incinerators	---	---	---	---	---	---	---	---	
562219	Other Nonhazardous Waste Treatment and Disposal (limited to composting facilities and anaerobic digestion; excludes fertilizer manufacturing—see NAICS 325314)	C	---	---	---	---	---	---	---	
5629	Remediation and Other Waste Management Services									
562910	Remediation Services	---	---	---	---	---	---	---	---	
562920	Material Recovery Facilities (MRF) (consists of the removal of recyclable materials from a waste stream)	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562920	· Electronic Equipment Recycling	---	---	---	P	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562920	· Salvage Facilities (includes facilities for the recovery/processing (recycling) of waste materials. See NAICS 562111 for automobile dismantling and metal salvage/recycling facilities. See NAICS 327999 for concrete and asphalt crushing or grinding)									See Sections 5.03.275 (Material Recovery Facilities) and 5.03.350 (Salvage Facilities)
562920	[1] Within a Wholly Enclosed Building	---	---	---	C	---	---	---	---	
562920	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C	---	---	---	---	
562920	· Tires and Scrap Rubber Recycling	---	---	---	C	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562991	Septic Tank and Related Services	---	---	---	---	---	---	---	---	
562998	All Other Miscellaneous Waste Management Services (includes but is not limited to storm and catch basin cleaning services, grease trap cleaning services, sewer cleaning and rodding services, and tank cleaning and disposal services)	---	---	---	---	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
61	EDUCATION SERVICES									
611	Educational Services									
6111, 6112, 6113	Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools (includes activities and facilities ancillary to, and/or serving, an educational service, such as, but not limited to, administrative offices, student and educator housing, libraries and museums, performing arts and sports facilities, eating facilities, medical clinics, etc.)									
	· Public Schools	---	P	P	---	---	---	---	---	
	· Private Schools	---	C	C	---	---	---	---	---	
6114	Business Schools and Computer and Management Training	---	C	---	C	---	---	---	---	
6115	Technical and Trade Schools	---	C	---	C	---	---	---	---	
6116	Other Schools and Instruction									
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting and sculpture)									
	· GFA less than 2,000 SF	---	---	---	P	---	---	---	---	
	· GFA 2,000 SF or more	---	---	---	C	---	---	---	---	
611620	Sports and Recreation Instruction (cheerleading, gymnastics, and martial arts)									
	· GFA less than 10,000 SF	---	---	---	P	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	C	---	---	---	---	
611691	Exam Preparation and Tutoring Services	---	---	---	---	---	---	---	---	
611692	Automobile Driving School	---	C	---	---	---	---	---	---	
611699	Other Schools of Instruction (public speaking, survival training, and speed reading)	---	C	---	---	---	---	---	---	
6117	Educational Support Services (limited to testing, evaluation, and tutorial services)	---	---	---	---	---	---	---	---	
62	HEALTH CARE AND SOCIAL ASSISTANCE									
621	Ambulatory Health Care Services									
6211, 6212, 6213, 6214, 6215, 6216	Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics (excludes massage establishments—see NAICS 812199)	---	---	---	---	---	---	---	---	See Section 5.02.270 (Massage Establishments and Services) for massage therapists or massage practitioners See Section 6.01.035.B.2.c (Development Standards and Guidelines) for medical offices and clinics that front Euclid Avenue
6219	Other Ambulatory Health Care Services									
62191	Ambulance Services	---	---	---	C	---	---	---	---	
62199	All Other Ambulatory Health Care Services									

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
621991	Blood and Organ Banks	---	---	---	---	---	---	---	---	
621999	All Other Miscellaneous Ambulatory Health Care Services (limited to blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services)	---	---	---	---	---	---	---	---	See Section 5.03.030 (Ambulatory Health Care Services—All Other Miscellaneous)
622	Hospitals	---	---	---	---	---	---	---	---	
623	Nursing and Residential Care Facilities									
6231	Nursing Care Facilities	---	---	C	---	---	---	---	---	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	
	· More than 6 persons	---	---	C	---	---	---	---	---	
6233	Community Care Facilities for the Elderly									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons)
6239	Other Residential Care Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.345 (Residential Care Facilities, Other—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	
624	Social Assistance									
6241	Individual and Family Services									
62411	<i>Child and Youth Services (limited to nonresidential social assistance services for children and youth)</i>									
624110	Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services	---	---	---	---	---	---	---	---	
624110	Teen Outreach Services and Youth Centers	---	---	---	---	---	---	---	---	
62412	<i>Services for the Elderly and Persons with Disabilities</i>									
624120	Senior Citizen and Adult Community Centers	---	P	---	---	---	---	---	---	
624120	Adult Day Care Services									
	· 6 or Fewer Persons	---	---	P	---	---	---	---	---	
	· 7 or More Persons	---	---	C	---	---	---	---	---	
624190	Other Individual and Family Services	---	---	---	---	---	---	---	---	
6242	Community Food and Housing, Emergency and Other Relief Services									
62421	Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens)	---	---	---	C	---	---	---	---	
62422	Community Housing Services									

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
624221	Temporary Shelters									
	• Emergency Shelters	---	C	C	C	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	• Transitional Housing	---	C	P	C	---	---	---	---	
	• Transitional Living Centers	---	---	---	C	---	---	---	---	
624229	Other Community Housing Services (agencies and organizations)	---	P	---	---	---	---	---	---	
62423	Emergency and Other Relief Services (administrative services/activities only)	---	---	---	---	---	---	---	---	
6243	Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	---	C	---	P	---	---	---	---	
6244	Child Day Care Services, limited to the following:									
624410	Child Day Care Centers (Commercial Facilities)	---	P	C	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
624410	Child Day Care Centers (Employer Provided Services)	---	P	---	---	---	---	---	---	
624410	Family Child Day Care (Residential Facilities)									
	• Large Family (7 to 14 children)	---	---	A	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
	• Small Family (less than 8 children)	---	---	P	---	---	---	---	---	
	71 ARTS, ENTERTAINMENT AND RECREATION									
	711 Performing Arts, Spectator Sports, and Related Industries									
	712 Museums, Historical Sites, and Similar Institutions									
	7121 Museums, Historical Sites, and Similar Institutions									
71211	Museums	---	P	C	---	---	P	---	---	
71213	Zoos and Botanical Gardens	---	---	---	---	---	C	---	---	
	713 Amusement, Gambling, and Recreation Industries									
	7131 Amusement Parks and Arcades									
71311	Amusement and Theme Parks	---	---	---	C	---	C	---	---	
71312	Amusement Arcades (limited to video and electronic game arcades, cyber cafes and on-line and internet gaming facilities)	---	---	---	---	---	---	---	---	See Section 5.03.220 (Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities)
	7132 Gambling Industries (except Bingo conducted pursuant to Ontario Municipal Code Title 5, Chapter 18 (Bingo for Charity))	---	---	---	---	---	---	---	---	
	7139 Other Amusement and Recreation Industries									
71391	Golf Courses and Country Clubs	---	---	---	C	---	P	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
71394	Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities)									
	· GFA Less than 10,000 SF	---	---	---	P	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	C	---	---	---	---	
71395	Bowling Centers	---	---	---	---	---	---	---	---	
71399	All Other Amusement and Recreation Industries, limited to the following (NAICS 713990):									
713990	Adult-Oriented Businesses	---	---	---	P	---	---	---	---	See Section 5.03.015 (Adult-Oriented Businesses)
713990	Batting Cages -- Indoor	---	---	---	P	---	---	---	---	
713990	Batting Cages -- Outdoor	---	---	---	P	---	C	---	---	
713990	Billiard Parlors and Pool Halls	---	---	---	---	---	---	---	---	See Section 5.03.075 (Billiard Parlors and Pool Halls)
713990	Dancing, Dance Clubs, Dance Halls, Ballrooms and Discotheques	---	---	---	C	---	---	---	---	
713990	Escape, Exit, Mystery, and Puzzle Rooms	---	---	---	---	---	---	---	---	
713990	Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges	---	---	---	C	---	C	---	---	
713990	Hookah Establishments	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments)
713990	Live Entertainment	---	C	---	C	---	---	---	---	>10,00 SF REQUIRE CUP
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---	---	---	---	---	---	
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P	P	P	P	P	P	
713990	Shooting and Archery Ranges and Galleries -- Indoor Only	---	---	---	C	---	---	---	---	
713990	Simulated Racing (limited to go-carts, radio controlled vehicles and other similar facilities)	---	---	---	---	---	---	---	---	
713990	Simulated Shooting Games -- Indoor Only (limited to laser tag and paint ball)	---	---	---	---	---	---	---	---	
713990	Skating Rinks and Parks (indoor only)	---	---	---	C	---	---	---	---	
713990	Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah facilities)	---	---	---	---	---	---	---	---	
713990	Stables (commercial riding)	---	---	---	---	---	C	---	---	
72 ACCOMMODATION AND FOOD SERVICES										
721 Accommodation (Lodging Facilities)										
7211 Traveler Accommodation										
72111	Hotels and Motels	---	---	---	P	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
72119	Other Traveler Accommodation									
721191	Bed-and-Breakfast Inns	---	---	C	---	---	---	---	---	See Section 5.03.070 (Bed-and-Breakfast Inns)
721199	All Other Traveler Accommodation									
	· Residence Inns	---	---	---	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)
	· Cabins and Cottages	---	---	---	---	---	---	---	---	
	· Hostels	---	---	---	---	---	---	---	---	
7212	RV (Recreational Vehicle) Parks and Recreational Camps	---	---	---	---	---	---	---	---	
7213	Boarding, Lodging and Rooming Houses	A	---	A	---	---	---	---	---	See Section 5.03.080 (Boarding, Lodging and Rooming Houses)
722	Food Services and Drinking Places									
	Alcoholic Beverage Sales for On-Premise Consumption (except drinking places)	---	C	---	C	---	C	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
7223	Special Food Services									
72231	Food Service Contractors	---	---	---	---	---	---	---	---	
72232	Caterers	---	---	---	---	---	---	---	---	
72233	Mobile Food Services	---	---	---	---	---	---	---	---	See Section 5.03.290 (Mobile Food Services)
7224	Drinking Places (includes bars, cocktail lounges, nightclubs and taverns, and other similar facilities)	---	---	---	P	---	C	---	---	
7225	Restaurants and Other Eating Places									
722511	Full-Service Restaurants (includes ancillary banquet facilities— see NAICS 531120 for standalone banquet facilities)	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722513	Limited-Service and Fast Food Restaurants	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722514	Cafeterias and Buffets	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722515	Snack and Nonalcoholic Beverage Bars	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
81	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)									
811	Repair and Maintenance									
8111	Motor Vehicle Repair and Maintenance (Note: See Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)									
81111	Motor Vehicle Mechanical and Electrical Repair and Maintenance									
811111	Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	---	---	---	P	---	---	---	---	See Section 5.03.065 (Automotive Repair and Maintenance—Servicing Facilities)
811111	General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension systems; and engine, transmission, and drive train)									
	· Automobile, Light Truck and Van Repair and Maintenance	---	---	---	P	---	---	---	---	See Section 5.03.060 (Automotive Repair and Maintenance—General Repair Facilities)
	· Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	---	---	---	P	---	---	---	---	
81112	Automotive Body, Paint, Interior and Glass Repair									
811121	Automotive Body, Paint, and Interior Repair and Customization									
	· Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	---	---	---	P	---	---	---	---	See Section 5.03.045 (Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work)
	· Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work is allowed)	---	---	---	P	---	---	---	---	
	· Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	---	---	---	C P	---	---	---	---	
	· Mobile Body and Paint Repair Services	---	---	---	P	---	---	---	---	See Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services)
811122	Automotive Glass Replacement Shops (limited to stationary and mobile services)	---	---	---	P	---	---	---	---	See Section 5.03.055 (Automotive Glass Replacement Shops)
81119	Other Automotive Repair and Maintenance									
811191	Automotive Oil Change and Lubrication Shops	---	---	---	P	---	---	---	---	
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)									
	· Automobiles, Light Trucks and Vans	---	---	---	P	---	---	---	---	
	· Trucks and Similarly Large Vehicles	---	---	---	P	---	---	---	---	
	· Mobile Washing and Detailing Services	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services)
811198	All Other Automotive Repair and Maintenance									
	· Emissions Testing (test only facilities)	---	---	---	---	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	· Rustproofing and Undercoating Shops	---	---	---	---	---	---	---	---	
	· Spray-On Bedliner Installation Shops	---	---	---	---	---	---	---	---	
	· Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use)	P	P	P	---	P	P	P	P	
8112	Electronic and Precision Equipment Repair and Maintenance	---	---	---	P	---	---	---	---	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	---	---	---	P	---	---	---	---	
8114	Personal and Household Goods Repair and Maintenance									
811411, 811412	Home and Garden Equipment and Appliance Repair and Maintenance	---	---	---	P	---	---	---	---	
811420	Reupholsters and Furniture Repair	---	---	---	P	---	---	---	---	
811430	Footwear and Leather Goods Repair	---	---	---	---	---	---	---	---	
811490	Other Personal and Household Goods Repair and Maintenance -- Without Retail Sales (limited to garment alteration and repair, gun repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)	---	---	---	P	---	---	---	---	
811490	Boat Repair and Maintenance Services (no retail sales of new boats)	---	---	---	P	---	---	---	---	
811490	Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)	---	---	---	P	---	---	---	---	
812	Personal and Laundry Services									
8121	Personal Care Services									
81211	Hair, Nail, and Skin Care Services	---	---	---	---	---	---	---	---	
81219	Other Personal Care Services									
812191	Diet and Weight Reducing Centers	---	---	---	---	---	---	---	---	
812199	Other Personal Care Services, limited to the following:									
	· Chair Massage	---	---	---	P	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	· Color Consulting Services	---	---	---	---	---	---	---	---	
	· Day Spas	---	---	---	---	---	---	---	---	
	· Hair Removal Services	---	---	---	---	---	---	---	---	
	· Hair Replacement Services	---	---	---	---	---	---	---	---	
	· Make-Up Salons (includes the application of permanent cosmetics)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
	· Massage Establishments	---	---	---	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	· Tanning Salons	---	---	---	---	---	---	---	---	
	· Body Art Services (includes tattooing, body piercing, and branding)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
8122	Death Care Services									
812210	Funeral Director Services (limited to office/retail only)	---	---	---	---	P	---	---	---	See Section 5.03.205 (Funeral Director Services)

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
812210	Funeral Parlors and Mortuary Services (excludes funeral establishments)	---	---	---	---	P	---	---	---	
812210	Funeral Establishments	---	---	---	---	P	---	---	---	
812220	Cemeteries	---	---	---	---	P	---	---	---	
812220	Crematories	---	---	---	---	C	---	---	---	
8123	Drycleaning and Laundry Services									
81231	Coin-Operated Laundries and Drycleaners	---	---	---	---	---	---	---	---	
81232	Drycleaning and Laundry Services (except Coin-Operated)	---	---	---	---	---	---	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
81233	<i>Linen and Uniform Supply</i>									
812331	Linen Supply	---	---	---	P	---	---	---	---	
812332	Industrial Launderers	---	---	---	P	---	---	---	---	
8129	Other Personal Services									
81291	Pet Care (except Veterinary and Kennel) Services, limited to the following (NAICS 812910):									
812910	Pet Grooming and Training Services	---	---	---	P	---	---	---	---	
812910	Pet Boarding and Sitting (Doggy Daycare) Services, and Shelters	---	---	---	P	---	---	---	---	
81292	Photofinishing	---	---	---	---	---	---	---	---	
812930	Parking Lots and Garages (commercial)	---	---	---	---	---	---	---	---	
81299	All Other Personal Services, limited to the following (NAICS 812990):									
812990	Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services	---	---	---	---	---	---	---	---	
812990	Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)	---	---	---	---	---	---	---	---	
812990	Party Planning Services	---	---	---	---	---	---	---	---	
812990	Personal Fitness Trainer	---	---	---	---	---	---	---	---	See Section 5.03.315 (Personal Fitness Trainer)
812990	Wedding and Funerary Chapels (excludes religious assembly)	---	---	---	---	---	---	---	---	
813	Religious, Grantmaking, Civic, Professional and Similar Organizations									
8131	Religious Organizations									
813110	Religious Assembly	---	C	C	---	---	---	---	---	
813110	Monasteries, Convents and Other Similar Facilities	---	---	C	---	---	---	---	---	
8132	Grantmaking and Giving Services; Social									
8133	Advocacy Organizations; Civic and Social									
8134	Organizations; and Business, Professional, Labor,									
8139	Political and Similar Organizations									
	· Offices Only	---	---	---	---	---	---	---	---	
	· Assembly Facilities	---	---	---	---	---	---	---	---	
92	PUBLIC ADMINISTRATION									
921	Executive, Legislative, and Other General Government Support	---	P	---	---	---	---	---	---	
922	Justice, Public Order, and Safety Activities									

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
92211	Courts	---	P	---	---	---	---	---	---	
92212	Police Protection (limited to stations, substations and storefront facilities)	P	P	P	P	P	P	P	P	
92213	Legal Counsel and Prosecution	---	P	---	---	---	---	---	---	
92214	Correctional Institutions	---	---	---	---	---	---	---	---	
92215	Parole Offices and Probation Offices	---	P	---	---	---	---	---	---	
92216	Fire Protection	P	P	P	P	P	P	P	P	
923	Administration of Human Resource Programs (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	P	---	---	---	---	---	---	
	TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES									
	Temporary and Interim Land Uses	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)
	Temporary and Interim Buildings, Structures, and Facilities									
	· Fewer than 5 years	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)
	· 5 to 10 years	C	C	C	A	C	C	C	C	
	· More than 10 years	---	---	---	A	---	---	---	---	

8.01.015: Prohibited Signs

The following signs and circumstances are expressly prohibited within the City, except as otherwise provided by this Division:

- A.** Any sign not specifically allowed by this Division; however, nothing in this Division shall be construed to prohibit any sign, notice, or advertisement required by Federal, State, or local laws.
- B.** Billboards, including vehicle-mounted billboards (roving or stationary), excepting billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements) of this Development Code and billboards located within the ONT zone pursuant to Table 8.01-1: Sign Regulations Matrix.

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
F. SPECIAL USE ZONING DISTRICTS (excepting those "Specialty Signs" listed in Subsection F (Standards for Specialty Signs) of this Table)					
4. Ontario International Airport					
a. Temporary Signs					
▪ Real Estate Signs	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		<p>[1] Only non-illuminated signs shall be allowed.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.</p>
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days, annually.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building exterior shall be deemed a window sign.</p>
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			
b. Permanent Signs					

<p>▪ Wall Signs</p>	<p>One wall sign per tenant/building (for corner lots, one per street elevation, not to exceed 2 signs per building)</p> <p>As approved as part of a Uniform Sign Program</p>	<p>{1} One SF of sign per lineal FT of building frontage;</p> <p>{2} For corner lots, one SF of sign per lineal FT of building frontage, on each street; or one-half SF of sign area for each lineal foot of lot frontage on one street only.</p> <p>{3} 200 SF maximum sign area, calculated as prescribed above. A calculation of less than 20 SF shall result in a maximum sign area of 20 SF.</p>			
<p>▪ Monument Sign</p>	<p>One monument sign per development.</p> <p>As approved as part of a Uniform Sign Program</p>	<p>50 SF per sign face.</p>	<p>7 FT</p>		<p>{1} Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.</p> <p>{2} Signs shall not be located in any required setback area, unless authorized by the Planning Commission.</p>
<p>▪ Freeway Signs</p>	<p>{1} One sign per parcel having a minimum of 600 FT of freeway frontage, and is developed as a single entity.</p> <p>{2} Two signs per parcel having a minimum of 1,800 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.</p> <p>{3} Three signs per parcel having a minimum of 3,000 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.</p>	<p>150 SF per sign face.</p>	<p>35 FT maximum; however, the height may be increased to 45 FT if the site is at least 10 FT lower than the freeway finish surface.</p>	<p>No sign face (vertical or horizontal) shall exceed 25 FT in any direction.</p>	<p>{1} Any advertisement, text, symbols, or other indications displayed on the sign face shall be limited to 5 words, letters, numbers, figures, symbols or other indications to substitute for words.</p> <p>{2} Signs shall be separated by 600 FT. Signs may not be located further than 40 FT from the freeway.</p> <p>{3} Sign shall not have more than 2 display surfaces, unless approved by the Planning Commission.</p> <p>{4} No tentative map or parcel map shall be approved on a parcel upon which a bonus sign is located if the effect on the parcel upon which said bonus sign is located would be to reduce its area to less than 10 acres</p>

					of its freeway frontage to less than 600 FT.
▪ Wayfinding/ Directional Signs	As approved as part of a Uniform Sign Program				
▪ Billboards	Three (3) LED signs Three (3) static message signs	LED – 675 sq. ft. per sign face Static – 250 sq. ft. per sign face Total square footage of all billboard signs shall not exceed 2,500 square feet.	LED – 35 feet Static – 35 feet	LED – 48 feet Static – 11 feet	All billboard signs shall be located in close proximity to the terminal and/or rental car area of the airport
5. Open Space— Cemetery	As determined appropriate by the Planning Director.				
6. Open Space— Recreation	As determined appropriate by the Planning Director.				
7. Rail Corridor	As determined appropriate by the Planning Director.				
8. Utilities Corridor	As determined appropriate by the Planning Director.				

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA18-001, TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT, AND A ZONE CHANGE, FILE NO. PZC18-001, FROM OH (HIGH INTENSITY OFFICE) TO CR (REGIONAL COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE (APN:0210-551-01)

RECOMMENDATION: That the City Council consider and adopt:

- (1) An ordinance approving File No. PDCA18-001, a Development Code Amendment to allow used vehicle automobile dealers as a conditionally permitted use in the CR (Regional Commercial) zoning district; and
- (2) An ordinance approving File No. PZC18-001, a Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on property located at 520 North Turner Avenue.

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

FISCAL IMPACT: Adoption of the proposed Development Code Amendment and Zone Change will have no direct fiscal impact.

BACKGROUND: On April 17, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment and the Zone Change. Carvana, LLC (the "Applicant") is requesting the approval of a Development Code Amendment (File No. PDCA18-001) to allow used vehicle automobile dealers as a conditionally permitted land use in the CR (Regional Commercial) zoning district. Furthermore, the Applicant is requesting approval of a Zone Change from

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018

Approved: _____

Continued to: _____

Denied: _____

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OH (High Intensity Office) to CR (Regional Commercial) on a 2.34-acre property located at 520 North Turner Avenue. The approval of these applications will facilitate the development of the project site with an automobile sales facility for Carvana, an on-line retailer of previously owned, late model automobiles.

The proposed Development Code Amendment will revise Table 5.02-1 (The Land Use Matrix) to allow used vehicle automobile dealers in the CR zoning district, subject to the approval of a Conditional Use Permit. Furthermore, Paragraph B.4 (CR (Regional Commercial – 0.4 Maximum FAR) Zoning District) of Development Code Section 5.01.005 (Establishment of Base Zoning Districts), which establishes the CR zoning district, will be amended, adding a statement providing that the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan (General Plan) component of The Ontario Plan. Without the addition of this statement, the proposed zone change cannot be approved, as the property on which the zone change is proposed is located within the Office Commercial land use district.

In addition, to allowing properties within the Office Commercial land use district of the Policy Plan Land Use Plan to be zoned CR, conditions under which the Office Commercial property may be zoned CR are also proposed, including requirements that (1) the property must have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (2) the use of the property is restricted to automobile dealerships, allowing the sale of new and used automobiles, light trucks and vans.

On March 27, 2018, the Planning Commission considered the proposed Development Code Amendment and Zone Change, and with a 6 – 0 vote to recommend that the City Council approve the above-described applications.

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

ENVIRONMENTAL REVIEW: The environmental impacts of the above-described applications were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City’s “Guidelines for the Implementation of the California Environmental Quality Act (CEQA)” which provides for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts that were not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-001, A DEVELOPMENT CODE AMENDMENT TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, certain alterations to the City of Ontario Development Code are proposed, which will allow Used Vehicle Automobile Dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit; and

WHEREAS, on March 27, 2018, the Planning Commission conducted a public hearing and approving a resolution recommending the City Council approve a Resolution adopting an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; 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, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Development Code Amendment and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommend approval (Resolution No. PC18-034) to the City Council of the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Initial Study/Addendum to the previously Certified The Ontario Plan Environmental Impact Report prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. Development Code Amendment. The City of Ontario Development Code is hereby amended as described in Subsections a and b, below.

a. Paragraph B.4 of Section 5.01.005 (Establishment of Base Zoning Districts) of the City of Ontario Development Code is hereby amended to read as follows:

“4. CR (Regional Commercial – 0.4 Maximum FAR) Zoning District. The CR zoning district is hereby established to accommodate commercial and entertainment centers which are larger in size than would otherwise be accommodated in the CC zoning district, developed at a maximum intensity of 0.4 FAR. The zoning district is intended for intense, regional-serving commercial and entertainment uses, and is generally located adjacent to, or in close proximity to, freeways and arterial roadways that accommodate regional traffic. Uses may be standalone or within a center generally 15 or more acres in size. The CR zoning district is consistent with and implements the General Commercial and land use designations of the Policy Plan component of The Ontario Plan. Furthermore, the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan;

provided, (a) the property shall have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (b) the use of the property shall be restricted to automobile dealers (including new and used automobiles, light trucks and vans).”

b. Table 5.02-1 (Land Use Matrix) of the City of Ontario Development Code is hereby amended to allow Used Vehicle Automobile Dealers (NAICS 441120) in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit.

SECTION 2. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

c. 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. This Application introduces no new significant environmental impacts.

d. All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

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

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

SECTION 3. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 2, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

a. Does not constitute substantial changes to the Environmental Impact Report that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

b. Does not constitute substantial changes with respect to the circumstances under which the Environmental Impact Report was prepared, that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

c. 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 Environmental Impact Report was certified/adopted, that shows any of the following:

1. The project will have one or more significant effects not discussed in the Environmental Impact Report; or

2. Significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report; or

3. 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

4. Mitigation measures or alternatives considerably different from those analyzed in the Environmental Impact Report would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

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 Ontario International Airport Land use Compatibility Plan (“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 body for the Project, the City Council 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 City Council, 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 on the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4 above, the City Council hereby concludes as follows:

a. The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

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

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 6 above, the City Council hereby APPROVES the subject Development Code Amendment, File No. PDCA18-001.

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

SECTION 10. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3099 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held May 1, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3099 duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018 and that Summaries of the Ordinance were published on April 24, 2018 and May 8, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-001, A ZONE CHANGE FROM OH (HIGH DENSITY OFFICE) TO CR (REGION COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant"), has filed an Application for the approval of a Zone Change, File No. PZC18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the OH (High Density Office) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. The property to the east is within the Commercial/Hotel land use district of the Centrelake Specific Plan, and is developed with a hotel. The property to the south is within the Office land use district of the Centrelake Specific Plan, and is developed with office buildings. The property to the west is within the Office/Commercial land use district of the Guasti Plaza Specific Plan, and is vacant; and

WHEREAS, the Applicant is requesting approval of a Zone Change on the 2.34-acre project site, from OH (High Intensity Office) to CR (Regional Commercial); and

WHEREAS, being essential to the authorization of this Application, a Development Code Amendment (File No. PDCA18-001) was processed, reviewed and acted upon concurrently with this Zone Change, establishing that the CR zoning district is consistent with, and implements, the Office Commercial land use designation of the Policy Plan component of The Ontario Plan. Furthermore, consistent with the Development Code Amendment, the subject property has a minimum of 350 lineal feet of freeway frontage along Interstate 10, and the use of the subject property will be restricted to automobile dealerships, allowing the sale of new and used automobiles, light trucks and vans; and

WHEREAS, on March 27, 2018, the Planning Commission conducted a public hearing and approved a resolution recommending the City Council approval (Resolution No. PC18-032) of the use of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as "Certified EIR"). This Application introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; 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, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider for the Zone Change, and concluded said hearing on that date, voting 6 to 0 recommending (Resolution No. PC18-033) City Council approve the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Initial Study/Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council 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 City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) 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. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the DAB; and

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

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

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council 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. 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 Ontario International Airport Land use Compatibility Plan (“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 body for the Project, the City Council 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 City Council, 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 City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

(1) ***The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Development Code Amendment will provide consistency between property being changed from OH (High Density Office) to CR (Regional Commercial) and its surrounding area through the requirement for a Conditional Use Permit, as-well-as implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property; and

(2) ***The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Development Code Amendment will protect the public interest, health, safety, convenience, and general welfare through application of the Conditional Use Permit requirement, and implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property.

SECTION 5. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Zone Change application, as shown in "Attachment A," attached hereto and incorporated 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. ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 9. ***Effective Date.*** This Ordinance shall become effective 30 days following its adoption.

SECTION 10. ***Publication and Posting.*** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3100 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held May 1, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3100 duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018 and that Summaries of the Ordinance were published on April 24, 2018 and May 8, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

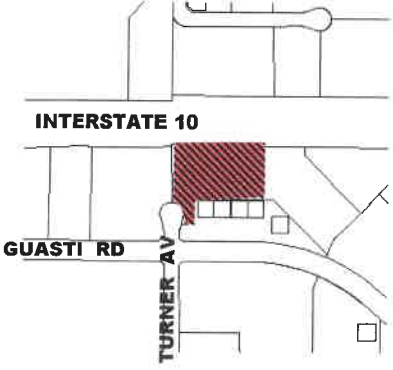
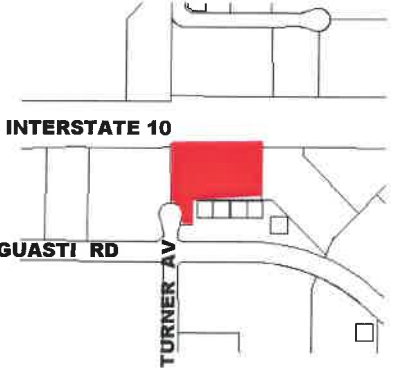
(SEAL)

ATTACHMENT A:

File No. PZC18-001; Proposed Zone Change

Zoning Legend:

 OH, High Intensity Office	 CR, Regional Commercial
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Existing Zoning	Parcels	Proposed Zoning
 <p>INTERSTATE 10</p> <p>GUASTI RD</p> <p>TURNER AV</p> <p>OH, High Intensity Office</p>	<p>APN: 0210-551-01</p> <p><i>(One Property)</i></p>	 <p>INTERSTATE 10</p> <p>GUASTI RD</p> <p>TURNER AV</p> <p>CR, Regional Commercial</p>

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

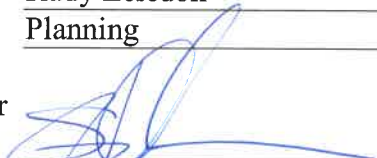
SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-007) BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT 20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN (APNs: 0218-201-20, 0218-201-26 and 0218-201-27)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA17-007, on file with the Records Management Department) between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The proposed Development Agreement will provide funding from a community facilities district (CFD) for additional City services required to support The Avenue Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development.

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Rudy Zeledon
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

9

BACKGROUND: On April 17, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Agreement. The financial commitment required for construction in Ontario Ranch is substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Avenida Property OWNER LLC, is entering into a Development Agreement with the City providing for the development of up to 176 dwelling units. The Development Agreement provides funding for new City expenses created by the project, including operational costs related to the review, approval and administration of the Ontario Avenida Property OWNER LLC, project, additional project related services, infrastructure and affordable housing requirements.

The Development Agreement proposes to include 37.47 acres of land within Planning Area 8A of The Avenue Specific Plan as shown in Exhibit A (The Avenue Specific Plan – Land Use Map). The Agreement grants Ontario Avenida Property OWNER LLC, a vested right to develop Tentative Tract Map 20012 as long as Ontario Avenida Property OWNER LLC, complies with the terms and conditions of The Avenue Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. 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, police, fire, open space/parks etc.);
- 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 reimbursement of public improvements and maintenance of public facilities;
- The Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and
- Public infrastructure improvements required to support the development of TT20012.

Other points addressed by the Agreement include provisions for affordable housing, as required by the Policy Plan, through construction, rehabilitation, or by paying an in-lieu fee, and satisfaction of the Mountain View School District and Chaffey Joint Union High School District school facilities requirements.

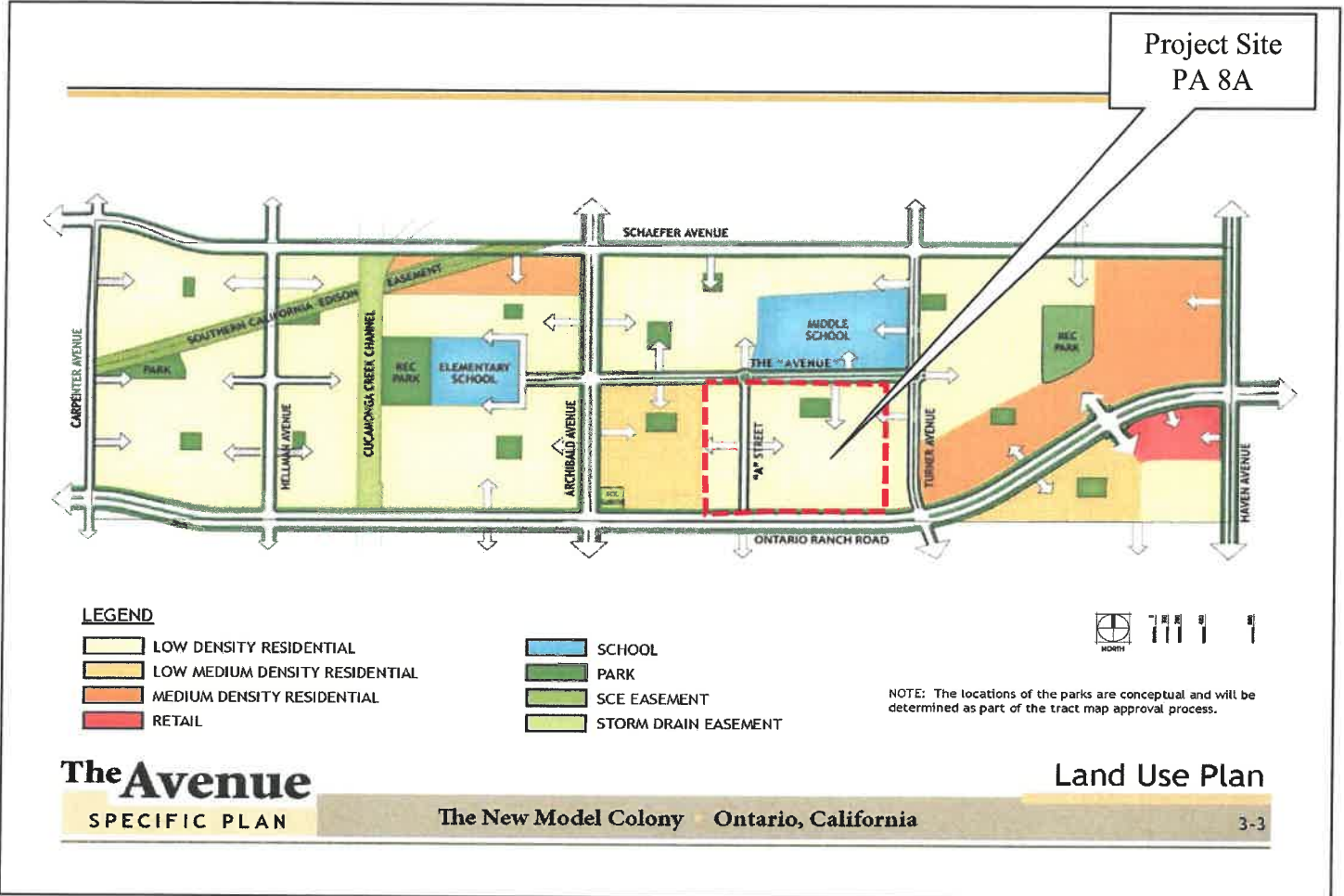
In considering the application at their meeting of March 27, 2018, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for Ontario Ranch developments; and with a 5 to 0 vote (Resolution No. PC18-039), recommended approval of the Development Agreement to the City Council.

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 project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"
The Avenue Specific Plan Land Use Plan



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FILE NO. PDA17-007, BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-201-20, 0218-201-26 AND 0218-201-27.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any 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 as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms,

restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on November 28, 2006, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC06-141 recommending City Council certification of The Avenue Specific Plan EIR and Issued Resolution PC06-143 recommending approval of The Avenue Specific Plan (File No. PSP05-003); and

WHEREAS, on December 9, 2006, the City Council of the City of Ontario issued Resolution No. 2006-131 certifying The Avenue Specific Plan EIR (SCH No. 2005071109) and

WHEREAS, on January 16, 2007, the City Council of the City of Ontario adopted Ordinance No. 2851 approving The Avenue Specific Plan; and

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

WHEREAS, the environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 5 to 0 to recommend approval (Resolution No. 18-039) of the Development Agreement to the City Council; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a public hearing to consider the Agreement and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Ontario as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109), certified by the City of Ontario City Council on December 9, 2006, in conjunction with File No. PSP05-003.

(2) The previous The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous The Avenue Specific Plan EIR (SCH# 2005071109), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous The Avenue Specific Plan EIR (SCH# 2005071109) reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with The Avenue Specific Plan EIR (SCH# 2005071109), are incorporated herein by this reference.

SECTION 2. *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) 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 Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) 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 Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in The Avenue Specific Plan EIR (SCH# 2005071109); 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 Avenue Specific Plan EIR (SCH# 2005071109) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council 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 maximum number of dwelling units (180) and density (4.5 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

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 Ontario International Airport Land use Compatibility Plan (“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 recommending body for the Project, the City Council 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 City Council, 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 City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

a. The Development Agreement applies to 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is presently used for agriculture and dairy uses; and

b. The properties to the north of the Project site are located within Low Density Residential\Middle School zoning designation of Planning Areas 6A, 6B and 9B and is currently being rough graded. The property to the east is within the Single Family Residential zoning district of Planning Area 8B of The Avenue Specific Plan and is developed with a single family home and an active agriculture use (Egg poultry farm). The properties to the south are within Medium Density Residential\Public School (Future High School) zoning district of Planning Areas 7A and 10 of the Grand Park Specific Plan and currently vacant and used for dairy farm (PA-7A). The property to the west is within Low Density Land Use zoning district of Planning Area 7 of The Avenue Specific Plan and is currently being mass graded; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 20012 within the Planning Area 8A (Low Density Residential) for the potential development of 176 residential units. The Development Agreement also grants Ontario Avenida Property OWNER LLC, 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 Avenue Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 20012 that proposes to subdivide to subdivide 37.47 acres of land into 176 numbered lots for single family residential and open space purposes and 47 lettered lots for public streets, neighborhood edges, paseos, parks and parkways; and

e. The Development Agreement will provide for the development of up to 176 single family units as established for Planning Areas 8A of The Avenue Specific Plan; and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. 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

h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. 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 previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2017. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the City Council hereby APPROVES of the Development Agreement subject to each and every condition set forth in The Avenue Specific Plan and EIR, incorporated 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. ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted

this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 1st day of May 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3101 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held May 1, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3101 duly passed and adopted by the Ontario City Council at their regular meeting held May 1, 2018 and that Summaries of the Ordinance were published on April 24, 2018 and May 8, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A:

**File No. PDA17-007;
Development Agreement**

(Development Agreement follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Ontario Avenida Property OWNER LLC

a Delaware Limited Liability Company

_____, 2018

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA17-007

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Ontario Avenida Property OWNER LLC, a Delaware 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 The Avenue Specific Plan FEIR (State Clearinghouse No. 2004011009 (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 The Avenue 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; and

WHEREAS, Ontario Avenida Property Owner LLC as "OWNER" represents that, upon its exercise of its option to acquire the Property, it will become the OWNER of the fee simple title to the Property and currently has the right to acquire fee simple title to the Property from the current owner(s) thereof; and

WHEREAS, Ontario Avenida Property Owner LLC has obtained, or shall obtain the consent of the current owner or owners of the Property to enter into and execute this Development Agreement prior to executing this Development Agreement with the City; and

WHEREAS, the City of Ontario and NMC Builders LLC have previously entered into the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve the Easterly Portion of the New Model Colony in August 2012 (the "Construction Agreement Amendment") and such agreement requires that the City reserve water capacity exclusively for members of NMC Builders LLC ("Members"); and

WHEREAS, Certificates of Net Water Availability made available through the construction of the Phase 1 water system Improvements are provided to Members only and the provisions of the Construction Agreement Amendment require that the City shall not 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 a Certificate of Net MDD Water Availability; and

WHEREAS, OWNER acknowledges that OWNER shall be required to become a Member of NMC Builders LLC and the Property is characterized as a Phase 2 Property under the provisions of the Amendment to the Construction Agreement between the City and NMC Builders (the "Phase 2 Water Amendment) and OWNER shall be required to participate in the funding of the Phase 2 Water Improvements in order to receive the required Certificate of Phase 2 Net Water Availability; and

WHEREAS, the Property is defined in the "Phase 2 Water Amendment" as a "Phase 2 Water Property" and, as such, shall be required to provide funding for CITY's future construction of the "Phase 2 Water Improvements" which will result in the availability of additional Net MDD Water Availability required for the development; and

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"; and

WHEREAS, OWNER is 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 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.

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. 20012 and as further described in Exhibit “F” (the “Infrastructure Improvements Exhibit”).

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.15 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 “Model Units” means a maximum of eight (8) units constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units and any structures in the open space or common areas of Tract 20012.

1.1.17 “OWNER” means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 “Phase 2 Water Amendment” means the amendment to the Construction Agreement between the City of Ontario and NMC Builders LLC dated September 19, 2017.

1.1.19 “Phase 2 Water EDUs” means the number of equivalent dwelling units or non-residential square footage assigned to a current or future Member upon payment to City of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.20 “Phase 2 Water Improvements” means those improvements set forth in Amended Exhibit C-1-R, of the Phase 2 Water Amendment.

1.1.21 “Phase 2 Water Participation Fee” means the fee paid to City, to fund the Project’s respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of units, and land use category for residential units or the number of square feet, and land use category for non-residential square footage of the Project.

1.1.22 “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.

1.1.23 “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.

1.1.24 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.25 “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.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “The Avenue Specific Plan.”

1.1.27 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.28 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.29 “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 approval of a final tract map or parcel map 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" — (Reserved – Not used)

Exhibit "F" — Infrastructure Improvements Exhibit

Exhibit "G" – Form of Certificate of Net MDD to be issued by CITY

Exhibit "H" – Form of Certificate of DIF Credit to be issued by CITY

Exhibit "I" - Form of 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 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.

2.5 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 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

2.3. (a) Expiration of the stated term of this Agreement as set forth in Section

(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.

(e) Ten (10) days after written notice from the current owner of the Property to the CITY of OWNER's failure to acquire fee title to the Property prior to the ending date of the OWNER's option to acquire the Property from the current owners of the Property or such later date as may be agreed upon by the current owner and the OWNER. 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.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario California, California 91764

with a copy to:

John Brown, City Attorney
Best Best & Krieger
2855 East Guasti Road, Suite 400
Ontario CA 91761

If to OWNER:

Ontario Avenida Property Owner LLC
8101 East Kaiser Blvd. Suite 140
Anaheim Hills, CA 92808
Attn: Richard Cisakowski

Phone: (714) 637-4405

Fax: (714) 637-4406

(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 Cal. 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.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the construction 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 eight (8) Model Units and any structures associated with the development of the open space park area, CITY may issue a maximum of eight (8) building permits for Model Units and building permits for any structures associated with the development of the open space park area. 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 the 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 Infrastructure and Utilities. OWNER is required by this Agreement to construct public works facilities which shall 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, storm drain, fiber optic communications, 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 from the Property to master planned storm drain facilities to the connection with the County Line Channel as described in the attached Exhibit F. OWNER shall be responsible for the design, construction and completion of the required storm drain Improvements to serve the Property as described in the attached Exhibit F.

3.7.2 OWNER agrees that development of the Project shall require the construction of street improvements on La Avenida Avenue including a signalized intersection of Archibald Avenue with La Avenida Avenue and a signalized intersection on Ontario Ranch Road and A Street as shown on Exhibit F. OWNER shall also be responsible for the design, construction and completion of other Master Planned Street Improvements as further described in the attached Exhibit F.

3.7.2.1 Notwithstanding the requirements of Section 3.7.2, OWNER also agrees that OWNER shall be responsible for the design, construction and completion of street improvements, on La Avenida from the Archibald Avenue to Turner Avenue as shown on Exhibit F and OWNER shall be responsible to design and construct Improvements on La Avenida including the Water, Recycled Water, Storm Drain and Street Improvements from Archibald Avenue to a point of connection with La Avenida Drive at the boundary of Tract 18922-2. However, CITY and OWNER agree that if all or a portion of OWNER's required street improvements on La Avenida are constructed by others, OWNER shall be responsible for reimbursing such other parties for the fair share portion of OWNER's required street improvements on La Avenida constructed by others. Conversely, if OWNER constructs the street improvements on La Avenida as shown on Exhibit F, that others are also required to construct CITY shall use its best efforts to require such party or parties to reimburse OWNER for the respective fair share portion of the street improvements that OWNER constructed that the other party or parties were required to construct.

3.7.2.2 OWNER agrees that OWNER shall be responsible for the design, construction and completion of street improvements including neighborhood edge landscaping, sidewalks, trails and all other last lane improvements on Ontario Ranch Road as described in the Conditions of Approval for Tract 20012.

3.7.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility infrastructure as described in Exhibit F consisting generally of the construction of the extension of permanent master planned water and recycled water utility Improvements, OWNER agrees that OWNER shall be responsible for the design, construction and completion of all water and recycled water utility Improvements as described in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and recycled water Improvements as described in Exhibit 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 NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Riverside and Haven Avenues to be constructed by CITY. OWNER shall deposit, or shall have deposited, with NMC Builders an amount, as determined by the City Engineer to be equal to the OWNER's capital contribution for the design and construction of the NMC Builders portion of the recycled water improvements in Riverside and Haven Avenues known as the "Phase 2 Recycled Water Improvements" within thirty (30) days after CITY requests such funds from NMC Builders. If OWNER has not deposited such amount, with NMC Builders within thirty (30) days after CITY requests such funds from NMC Builders, then CITY shall be entitled to withhold issuance of any further permits (whether discretionary or ministerial) for the Project unless and until OWNER deposits the amount of OWNER's capital contribution with NMC Builders for the design and construction of the NMC Builders portion of the Phase 2 Recycled Water System Improvements.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent master planned sewer infrastructure as described in the attached Exhibit F consisting generally of the construction of the extension of sewer infrastructure to serve the Property. OWNER agrees that OWNER shall be responsible for design, construction and completion of the sewer Improvements to serve the Property as described in Exhibit F.

3.7.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure as described in the attached Exhibit F consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property. OWNER agrees that OWNER shall be responsible for design, construction and completion of the fiber option communications Improvements as described on 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.

4.2.1.1 Payment of Development Impact Fee in the Regional Water Category. In lieu of the payment of the Development Impact Fee in the Regional Water Category, OWNER shall be required to pay a Phase 2 Water Participation Fee as defined as described Section 4.7.3. The timing of such payment shall be as required in Section 4.7.3. CITY agrees that the payment of the Phase 2 Water

Participation fee by OWNER shall be in-lieu of any further payment of Development Impact Fee in the Regional Water Category.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (OntarioPlan) 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. CITY and OWNER agree that Lots C, D, and G of Tract Map No. 20012 consisting of 1.34 net acres shall be improved as open space park areas and shall be transferred to a homeowners' association and the homeowners' association shall be responsible for all maintenance of all developed open space park areas. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

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 Ontario Ranch 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 Tract No. 20012 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 Tract No. 20012. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract No. 20012.

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 4.4.2.1 through 4.4.2.3. 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, OWNER 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 and Forty-Three Cents (\$2.43) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars and Thirteen Cents (\$2.13) 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 and Forty-Three Cents

(\$2.43) and the Two Dollars and Thirteen Cents (\$2.13) per square foot amounts shall automatically be increased annually, commencing on July 1, 2018, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=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 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 One Thousand Nine Hundred and Seventy-Five Dollars (\$1,975.00) 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 Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) 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 Development Agreement. If OWNER does not complete the purchase of the Property, OWNER shall request and CITY shall refund to OWNER the amount of the First Installment paid by OWNER.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) 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 (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019.

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 Fifty-Seven Cents (\$.57) 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 (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019. 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 require that the City shall not approve a final parcel map or tract map for the area of development within the Ontario Ranch 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 Requirement for NMC Builders LLC Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER's payment to CITY required by Section 4.7.3 below represents OWNER's contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement. CITY and OWNER also agree that CITY approval of this Agreement shall be conditioned upon OWNER agreement to become a Member of NMC Builders LLC.

4.7.3 CITY Issuance of Water Availability Equivalents. Within 30 days after the Effective Date of this Development Agreement OWNER shall pay to City the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be the calculated based on the amount of the projected Regional Water DIF, the Maximum Development Density and the approved land use category for such Project. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the Effective Date of this Development Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to City in two (2) installments. The first installment shall be fifty percent (50%) of the total

Phase 2 Water Participation Fee and such first installment shall be due and payable to City within 30 days after the Effective Date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee and such second installment shall be due and payable to City within one (1) year after the payment of the first installment, or prior to, and as a condition precedent to the recording of any final tract map for the Project, whichever occurs first. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment, "Water Demand Equivalents by Land Use" for each land use category. Additionally, within thirty (30) days of CITY's receipt of OWNER complete payment as required under Section 4.7.3, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be equivalent to OWNER's payment to CITY of the Phase 2 Water Participation Fee. The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein.

4.7.3.1 The Phase 2 Water Participation Fee may be paid by OWNER, any subsequent owner of the Property (or any portion thereof), or any combination of the foregoing, in accordance with Section 4.7.2. OWNER, on behalf of itself and any and all subsequent owner(s) of the Property (or any portion thereof), agrees and acknowledges that, should the OWNER or any subsequent owner of the Property (or any portion thereof) request, demand or seek any administrative or judicial relief seeking a return of any portion of the Phase 2 Water Participation Fee (individually or collectively, a "Refund Request"), then CITY shall refund to OWNER, the Phase 2 Water Participation Fee previously paid, and the Development Agreement and any and all land use entitlements (including, but not limited to the Development Agreement and Tentative Tract Map No. 20012) shall be automatically deemed null and void and of no further force or effect, without further action on the part of any party, and without any liability on the part of the CITY, its officials, officers or employees. Without limiting the nature of the foregoing, in the event of a Refund Request and CITY's payment of the requested refund, OWNER and any and all subsequent owner(s) of the Property (or any portion thereof) will be deemed to have automatically consented to a termination of the Development Agreement as well as a reversion of Tract Map 20012 to acreage pursuant to the Subdivision Map Act (California Government Code section 66499.16(b)(1)). Additionally, all related Certificates of Net MDD Availability and all Certificates of DIF Credit issued to OWNER in recognition of OWNER's payment of the Phase 2 Water Participation Fee shall be null and void and of no value.

4.7.4 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, CITY's approval of the final Tract Map for Tract No.20012. The amount of Net MDD Water Availability Equivalents required 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.

4.8 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.

4.9 Storm Water Capacity Availability.

4.9.1 OWNER and CITY agree that OWNER is not eligible to utilize the regional storm water treatment facilities to meet the requirements of the NPDES permit and the requirements of Section 3.8 of the Construction Agreement Amendment shall not apply to the Property. OWNER shall provide on-site storm water treatment facilities to meet the requirements of the NPDES permit.

4.10 Maintenance of Common Areas and 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.

4.12 Compliance with Public Benefits Requirements.

4.12.1 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 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 \$1,442.00 per Single Family Detached Dwelling Unit, \$1,250.00 per Multiple-Family Dwelling Unit, \$1,048.00 per Gated Apartment Community Dwelling Unit, and \$.27 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 4.5 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 non-damage 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 6.2 and 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**

"OWNER"

Ontario Avenida Property Owner LLC, a
Delaware limited liability company

By: Ontario Avenida Associates, LLC, a
Delaware limited liability company, its Managing
Member

By: Avenida Associates Investments, LLC, a
Delaware limited liability company, its
Administrative Member

By: RCCD, Inc, a California corporation, its
Manager

By: _____
Name: Richard Cisakowski
Title: President

Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF STATE)
)
COUNTY OF SAN BERNARDINO) ss.
)

On _____, 2018
before me, _____,
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared _____,
Name of Signer(s)

personally known to me – **OR** – proved to me on the basis of satisfactory evidence to be the person(s) 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(ies), 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.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

Title(s)

- Partner(s) Limited General
- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number Of Pages

Date Of Document

Signer(s) Other Than Named Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ONTARIO IN THE COUNTY OF SANBERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

TENTATIVE MAP NO. TM 20012 IS A SUBDIVISION OF THE LAND DESCRIBED AS FOLLOWS:

PARCEL NO. 1: 0218-201-26-0-000

THE WEST ½ OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM SAID SOUTH ½, THE WEST 30 ACRES THEREOF MEASURED TO THE CENTER OF ADJOINING STREETS.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE EAST ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SAID NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE SOUTH 30.00 FEET FOR ROAD PURPOSES.

PARCEL NO. 2: 0218-201-27-0-000

THE EAST ½ OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM SAID SOUTH 1/2 , THE WEST 30 ACRES THEREOF MEASURED TO THE CENTER OF ADJOINING STREETS.

ALSO EXCEPT THEREFROM SAID SOUTH ½; THE EAST ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SAID NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE SOUTH 30.00 FEET FOR ROAD PURPOSES.

ALSO EXCEPT THEREFROM SAID SOUTH ½, A WELL SITE DESCRIBED AS FOLLOWS:

THE EASTERLY 40.00 FEET OF THE WESTERLY 1944.50 FEET OF THE NORTHERLY 58.00 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SAID SECTION 14.

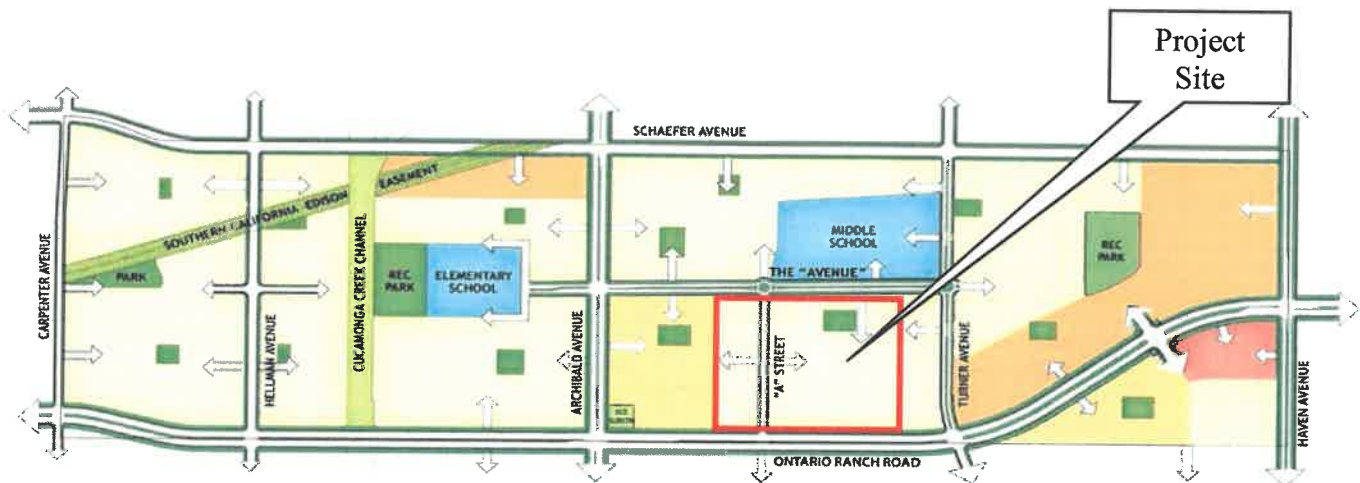
PARCEL NO. 3: 0218-201-20-0-000

THE EASTERLY 40.00 FEET OF THE WESTERLY 1944.50 FEET OF THE NORTHERLY 58.00 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location

Exhibit 8



LEGEND

- | | |
|---|---|
| LOW DENSITY RESIDENTIAL | SCHOOL |
| LOW MEDIUM DENSITY RESIDENTIAL | PARK |
| MEDIUM DENSITY RESIDENTIAL | SCE EASEMENT |
| RETAIL | STORM DRAIN EASEMENT |

NOTE: The locations of the parks are conceptual and will be determined as part of the tract map approval process.

The Avenue

SPECIFIC PLAN

The New Model Colony • Ontario, California

Land Use Plan

3-3

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On November 28, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-141 recommending City Council adopt and certify The Avenue Specific Plan Environmental Impact Report;
- b) Issued Resolution No. PC06-143 recommending City Council approval of The Avenue Specific Plan (PSP05-003).

On December 9, 2006, the City Council:

- a) Adopted Resolution No. 2006-131 certifying The Avenue Specific Plan Environmental Impact Report (SCH No. 2005071109)

On January 16, 2007, the City Council:

- a) Adopted Ordinance No. 2851 approving The Avenue Specific Plan (PSP05-003)

On February 2, 2010, the City Council:

- a) Adopted Resolution No. 2010-010 certifying the Supplemental Environmental Impact Report for an amendment to The Avenue Specific Plan (File No. PSPA07-004)
- b) Adopted Resolution No. 2010-011 approving an amendment to The Avenue Specific Plan (File No. PSPA07-004)

On March 27, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-*** recommending City Council approval of the Development Agreement (File No. PDA17-007);
- b) Issued Resolution No. PC18-*** approving Tentative Tract Map 20012 (File No. PMTT16-003).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Avenue Specific Plan Environmental Impact Report, Resolution No. 2006-131.
2. The Avenue Specific Plan (PSP15-003), Ordinance No. 2851
3. Tentative Tract Map No. 20012, Resolution No. PC18-***
4. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

Exhibit "F"

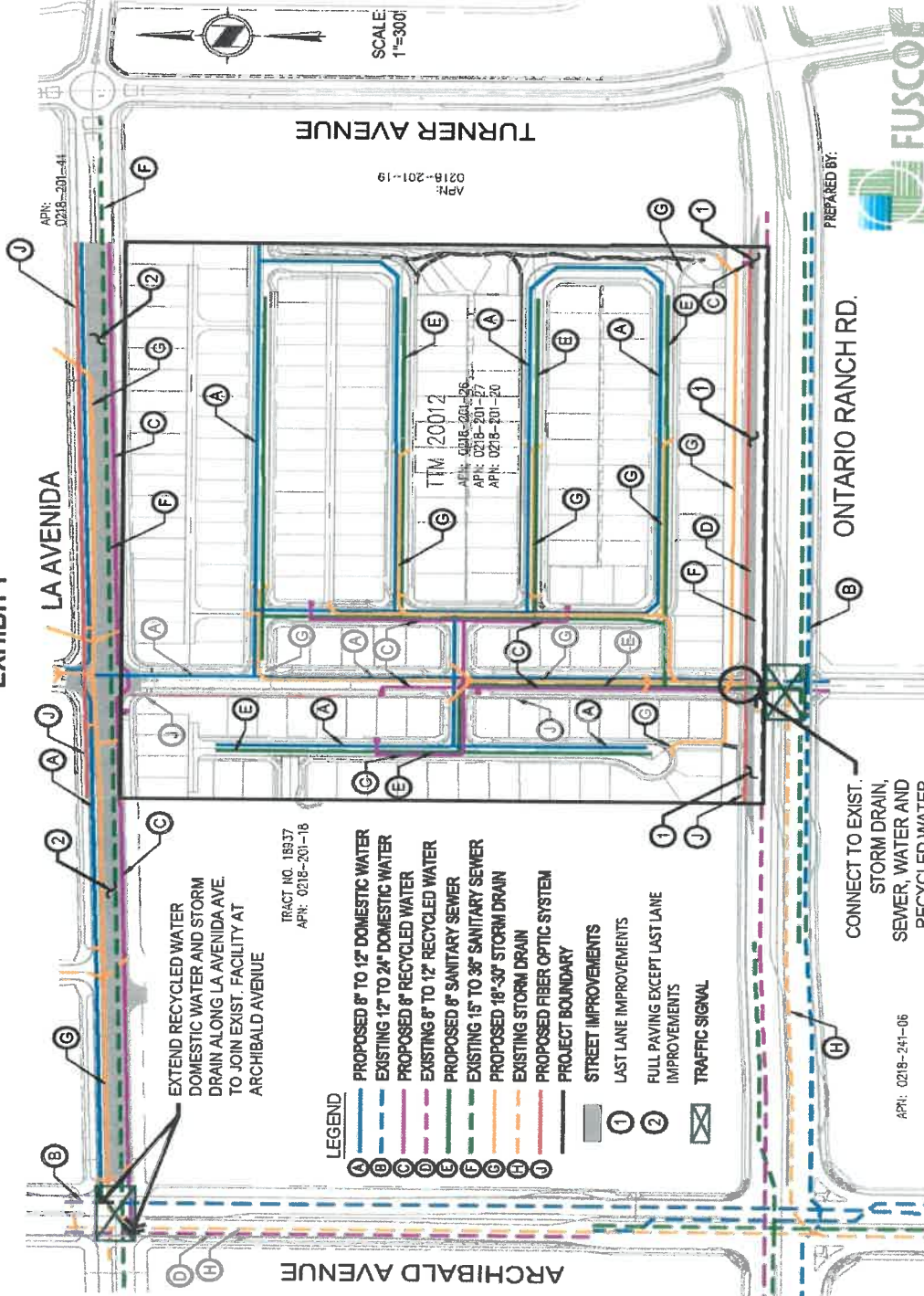
Required Infrastructure Improvements

TENTATIVE TRACT MAP NO. 20012

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

JONGSMA

INFRASTRUCTURE EXHIBIT F



PREPARED BY:
FUSCO
2850 Inland Empire Boulevard, Suite B
Ontario, California 91764
Tel 909.581.0676 • Fax 909.581.0696
www.fusco.com

PREPARED FOR:
DISTINGUISHED HOMES

DATE: March 14, 2018

EXHIBIT "G"

FORM OF CERTIFICATE OF PHASE 2 NET MDD WATER AVAILABILITY

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies based on receipt of payment of the Phase 2 Water Participation Fee and Development Entitlement of Member's Project, that Member is entitled to the following Phase 2 Net MDD Water Availability.

Residential Phase 2 Net MDD Water Availability _____ Units

Non-Residential Phase 2 Net MDD Water Availability _____ Square Feet

Scott Ochoa, City Manager

Dated: _____

EXHIBIT "H"

FORM OF CERTIFICATE OF REGIONAL WATER DIF CREDIT

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies that the Member of Developer is entitled to the following amount of Regional Water DIF Credits:

Amount of Regional Water DIF Credit: \$ _____

Scott Ochoa, City Manager

Dated: _____

Exhibit "I"

FORM OF PLUME DISCLOSURE LETTER

CITY OF



ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

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. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME

Dear Property Owner/Developer/Applicant:

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

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

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

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

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

CITY OF ONTARIO

Agenda Report
May 1, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: RECOGNITION OF “HISTORIC PRESERVATION MONTH” IN THE CITY OF ONTARIO

RECOMMENDATION: That the City Council proclaim the month of May 2018 as “Historic Preservation Month” in the City of Ontario.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

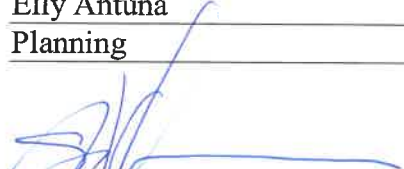
FISCAL IMPACT: None.

BACKGROUND: Since 1971, the National Trust for Historic Preservation has conducted nationwide campaigns to celebrate historical places and showcase preservation activities. In 2005, the National Trust began designating the month of May as Historic Preservation Month. The goals of Historic Preservation Month are to promote historical places for the purpose of instilling national and community pride, promoting heritage tourism, and showcasing the social and economic benefits of historic preservation. This year, the City is celebrating historic preservation month by continuing the “Model Colony” Awards program, presentation and reception.

The 2018 Ontario Historic Preservation Month and Model Colony Awards program theme, “This Place Matters” is a successful National Trust campaign that encourages people to celebrate the places that are meaningful to them and to their communities. The theme encourages the community to photograph and share the historic places that matter to them. While “This Place Matters” was also the theme for the Model Colony Awards program in 2011, the theme will be expanded this year with an “ESRI Story Map.” The “ESRI Story Map” will geographically display photographs of local community members with the historic resources that matter to them along with narrative text.

To further celebrate Historic Preservation Month, a flyer with a schedule of events related to Historic Preservation month has been distributed throughout the community. The events are all related to the theme

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Elly Antuna
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 05/01/2018
Approved: _____
Continued to: _____
Denied: _____

10

of “This Place Matters” and include: a historic places photo contest; Ontario Heritage’s historic district walking tour; the Model Colony Awards ceremony and Preservation Month Proclamation; and the Heritage Day celebration at Ontario Town Square to be held on on May 16, 2018.