

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

May 22, 2018

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

6:30 PM

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

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

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

ROLL CALL

DeDiemar __ Delman __ Downs __ Gage __ Gregorek __ Reyes __ Willoughby __

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

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

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

CONSENT CALENDAR ITEMS

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

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of April 24, 2018, approved as written.

PLANNING COMMISSION PUBLIC HEARING ITEMS

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

B. ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO. PUD17-004:

A Planned Unit Development establishing land use designations, and development standards and guidelines to facilitate the development of an 8-unit apartment project on 0.29 acres of land, located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and

criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-572-13 and 1048-572-11) **submitted by AB Holdings, LLC. City Council action is required.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PUD17-004 (Planned Unit Development)

Motion to recommend Approval/Denial

C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-011:

A Development Plan to construct an 8-unit apartment project on 0.29 acres of land, located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1048-572-13 and 1048-572-11) **submitted by AB Holdings, LLC**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PDEV17-011 (Development Plan)

Motion to Approve/Deny

D. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT17-012:

A Tentative Parcel Map (TT 19910) to subdivide 0.52 acre of land into 3 lots, located at 419 East Maitland Street, within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1049-343-16) **submitted by CRC Investments, LLC.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15315

2. File No. PMTT17-012 (Tentative Parcel Map)

Motion to Approve/Deny

- E. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP & DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT17-017 (PM 19919) AND PDEV13-029:** A Tentative Parcel Map (File No. PMTT17-017/PM 19919) to consolidate 30-lots into 1-parcel in conjunction with a Development Plan (File No. PDEV13-029) to add 35,368 square feet to an existing 30,124 square foot industrial building for property on 4.9 acres of land, located at 617 E. Sunkist within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) & Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1049-232-21) **submitted by Agrigold Joint Venture.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332 & § 15315

2. File No. PMTT17-017 (Tentative Parcel Map)

Motion to Approve/Deny

3. File No. PDEV13-029 (Development Plan)

Motion to Approve/Deny

- F. ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT FOR FILE NO. PCUP18-015, AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-051:** A Conditional Use Permit (File No. PCUP18-015) to establish three (3) drive-thru restaurants (1,800 square-foot, 3,000 square-foot and 3,320 square-foot) in conjunction with a Development Plan (File No. PDEV17-051) to construct a 94,782 square-foot commercial development on 10.06 acres of land located within the Retail district of Planning Area 10B of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and Haven Avenue. The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 19, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PCUP18-015 (Conditional Use Permit)

Motion to Approve/Deny

3. File No. PDEV17-051 (Development Plan)

Motion to Approve/Deny

G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA17-004

A Development Agreement (File No. PDA17-004) between the City of Ontario and Colony Commerce Center LLC, to establish the terms and conditions for the potential development of up to 1,379,501 square feet of industrial development on 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and Chino Airport, and was evaluated and found to be consistent with the policies and criteria of both the ONT Airport and Chino Airport Land Use Compatibility Plans. (APNs: 0218-292-05 and 0218-311-11); **submitted by Prologis LP. City Council Action Required.**

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Did not meet this month
- 2) New Business
- 3) Nominations for Special Recognition
 - Wendy’s Drive Thru – 590 E. Holt Blvd.
 - Auto Zone – 570 E. Holt Blvd.
 - Industrial Building – 231 South Pleasant Ave.

DIRECTOR’S REPORT

- 1) Monthly Activity Report

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

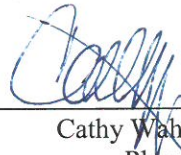
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at,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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, May 18, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Gwen Berendsen, Secretary Pro Tempore



Cathy Wahlstrom, Planning Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

April 24, 2018

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

MINUTES

April 24, 2018

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

COMMISSIONERS

Present: Chairman Delman, DeDiemar, Gage, Gregorek, and Reyes

Absent: Vice-Chairman Willoughby, Downs

OTHERS PRESENT: Development Director Murphy, City Attorney Rice, Assistant Planning Director Wahlstrom, Principal Planner Zeledon, Senior Planner Noh, Associate Planner Burden, Assistant Planner Vaughn, Assistant City Engineer Do, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Reyes.

SPECIAL CEREMONIES

Plaque presentation to Mr. Scott Murphy, by the Planning Commission, for his service in the Planning Department for the last 22 years.

Mr. Delman expressed his thanks and listed the accomplishments under his service in the planning department. He also stated Jerry Blum was not able to be here tonight but Mr. Blum wanted to express his heartfelt gratefulness to Mr. Murphy.

Mr. Gage expressed how it's been good to see Mr. Murphy progress throughout the years. He applauds Mr. Murphy for always being real truthful, making it look easy, and for the job he has done

Mr., Reyes expressed that it has always been enjoyable working with him and appreciated how Mr. Murphy gave the Commission a clear picture of what was going on and respects how he managed the Planning Department and thanked him for what he has done in the city.

Mr. Gregorek stated he's known Mr. Murphy for a very long time and always felt that he could talk to him at any time. He stated things always worked smoothly and efficiently under Mr. Murphy and he is sorry to see him leave the Planning Department, but is glad Mr. Murphy is stepping up into his new role and thinks the city made a great decision. He stated that he knows Mr. Murphy will keep things flowing and staying the course.

Ms. DeDiemar, being the newest member and the only female, expressed her personal thanks for her training on the dos and don'ts of what a commissioner should do. She stated she is confident in the staff, because it has filtered down from Mr. Murphy and commended him for the knowledge he displayed at the meetings. She stated she is so glad he was moved up and will miss him.

Mr. Delman read the plaque and presented it to him.

Mr. Murphy thanked the Commissioners for their kind words and stated he isn't really losing the Planning Department but he is gaining the Engineering and Building Departments and hopes to continue the work.

There was a break for cupcake reception.

ANNOUNCEMENTS

Ms. Wahlstrom stated a correspondence received for Item C is before them.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

Mr. Gage pulled Item A-02 from the Consent Calendar

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of March 27, 2018, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-005: A Development Plan (File No. PDEV18-005) to construct 60 single-family homes on 8.9 acres of land located at the northeast corner of Parkplace Avenue and Parkview Street, within Planning Area 19 (single-family lane loaded residential district) of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR, for which an Environmental Impact Report (SCH# 2004011009) was adopted by the City Council on November 7, 2006. This project introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT; (APN: 0218-014-05) **submitted by KB Home Southern California.**

A-03. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-060: A Development Plan (File No. PDEV17-060) to construct 62 single-family homes on 7.65 acres of land located within the Low Density

Residential (LDR) district of Planning Area 11 of The Avenue Specific Plan, located on the west side of Haven Avenue and approximately 700 feet south of Ontario Ranch Road. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014. This project introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-412-02) **submitted by Brookfield Waverly, LLC.**

It was moved by Gregorek, seconded by Reyes, to approve the Consent Calendar Items: Planning Commission Minutes of March 27, 2018, as written and File No. PDEV17-060. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

Ms. Alexis Vaughn gave the staff report and described the location, the surrounding area, the proposed dwellings and the passive pocket park. She described the parks in the surrounding area and the elevations being proposed.

Mr. Gage wanted clarification regarding the parking on the streets and what the traffic flow would be look like with the placement of the extra parking.

Mr. Zeledon explained that the on-street parking is for guest parking, as the residents are provided with 2 car garages. He stated there are paseo connections provided for the connection between on street parking and the residents. He stated the driveways are meant to be short, at 5 feet to prevent residents from parking there instead of using the garage provided. He stated this project does meet the parking requirement.

Mr. Gage asked if there were any mitigating things that the HOA would put into play so the garage is only used for car parking, or if storage shelves were included in the garage to help encourage parking cars and not using the garages as storage.

Mr. Zeledon stated yes when they review the CC&R's they state the garages are to be used for parking, and the HOA is really good about enforcing that.

Mr. Reyes wanted clarification regarding the parks in the area and the exact play equipment and amenities they would have in this tract.

Ms. Vaughn described the equipment proposed in the two area parks and the themes and equipment.

PUBLIC TESTIMONY

Heidi McBroom from KB Homes, described that the paseos would be the frontage of the residents, being as these are alley loaded products, and that she would be working with the staff to make sure it was more passive and slightly active, without being intrusive to the homeowners.

Mr. Reyes wanted clarification regarding how many blocks away the others parks are.

Heidi McBroom stated 1 ½ blocks and 3 blocks away.

Mr. Gage wanted clarification regarding the parking and mitigated items to assist in assuring residents use their garages for parking.

Heidi McBroom stated the CC&Rs are the strongest enforcement that they have and there is quite a bit of oversight from the HOA.

Mr. Gage wanted clarification regarding parking with lanes and how it has worked in past products that KB Homes has done with this parking situation.

Heidi McBroom stated that it does require persistence in the oversight and typically there is an issue in the beginning as people are moving in, but the CC&Rs usually have a time line for when people need to be moved in and start using their garages. She stated that the off track parking really helps with this issue.

Mr. Reyes wanted clarification regarding the landscaping on the paseos and who is responsible for maintaining the alleyways.

Heidi McBroom stated these are all private lots maintained by the homeowner, except for the paseos, which will be maintained by the HOA.

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

Mr. Reyes stated his concern is there not being enough play equipment for families with young children, ages 2 – 5. He commented on item #8 of the COAs, regarding how the play equipment shouldn't duplicate what is already in the area and he stated his confidence in the applicant working with staff to come up with something for younger children that is not too active and keeps in mind the noise for the residence.

Mr. Gage stated he has a problem with no parking on the street or the driveway, especially as there is no limit regarding number of cars per household, and these are large size homes. He stated he would like storage on the back of the garage to assist in encouraging the homeowners to use the garage. He stated his opinion that the homeowners won't be happy with the parking conditions.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Reyes, to adopt a resolution to approve the Development Plan, File No., PDEV18-005, subject to conditions of approval. The motion was carried 5 to 0.

- B. ENVIRONMENTAL ASSESSMENT AND REVIEW FOR GENERAL PLAN AMENDMENT FILE NO. PGPA16-002, SPECIFIC PLAN FILE NO. PSP16-002 AND WILLIAMSON ACT CANCELLATION FOR FILE NOS. PWIL17-009 (#73-406) AND PWIL18-004 (#70-219):** A public hearing to consider certification of the

Environmental Impact Report (SCH#2017041074), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations, for the following: 1) A General Plan Amendment (File No. PGPA16-002) to modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; 2) A Specific Plan (File No. PSP16-002 - West Ontario Commerce Center) request to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of industrial and business park development; and 3) A petition to cancel Williamson Act Contracts 73-406 and 70-219. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west. 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 area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV. City Council action is required.**

Senior Planner, Henry Noh, presented the staff report. He described the location and existing uses. He described the reasons for the proposed General Plan Amendment and he described the specific plan and the proposed planning areas, and the conceptual site plan. He described the design guidelines, landscape design, circulation requirements, infrastructure requirements, domestic water plan, recycled water plan, sewer plan, and storm drain requirements. He stated the reason the Williamson Act Contracts needed to be cancelled. He described the EIR notifications and the three impacts that were remaining and unavoidable; air quality, agricultural, and transportation. He stated that staff is recommending the Planning Commission recommend approval for the Certification of a EIR with a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan and File Nos. PGPA16-002, PSP16-002, PWIL17-009 and PWIL18-004, pursuant to the facts and reasons contained in the staff report.

Mr. Reyes wanted clarification regarding the right-away setback along Carpenter Ave.

Mr. Noh stated there would be a sidewalk, a 10 foot landscape buffer and then the wall.

PUBLIC TESTIMONY

Bill Golterman appeared and spoke thanking the staff for all the hard work they have put in.

Thomas Ruiz, representing Labors International Union Local #783, stated he wanted to show their support of the project, as it brings jobs to local laborers.

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

Mr. Reyes wanted to comment on the reduction of the business park area as a whole. He understands the current market needs and wants to keep in mind that the need may change in the future, as the city gets built out.

Mr. Gage stated he is in favor of things that can help people live and work in the same area.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gregorek, to recommend adoption of the Certification of a EIR with a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs, Willoughby. The motion was carried 5 to 0.

It was moved by Gage, seconded by DeDiemar, to recommend adoption of a resolution to approve the General Plan Amendment, File No., PGPA16-002, the Specific Plan, File No. PSP16-002, the cancellation of Williamson Act Contracts, File Nos. PWIL17-009 and PWIL18-004; subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs, Willoughby. The motion was carried 5 to 0.

- C. **ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR17-008 AND PDEV17-055:** A Variance (File No. PVAR17-008) to reduce the: 1) Rear building setback from 15 feet to 10 feet; 2) Front parking setback from 20 feet to 10 feet; and, 3) Setbacks from the building to the parking and drive aisles from 5 feet to 3 feet in conjunction with a Development Plan (File No. PDEV17-055) to construct a 4,100 square-foot commercial building, on 0.46 acres of land, within the Neighborhood Commercial zoning district, located at 1440 E. Fourth Street. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) and Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-202-46) **submitted by Atabak Youssefzadeh.**

Assistant Planner, Alexis Vaughn, presented the staff report. She described the area surrounding the proposed project. She explained reasons for the reduction in setbacks. She described the elevations design and landscape proposed. She described the correspondence received. She stated that staff is recommending the Planning Commission approve File Nos. PVAR17-008 and PDEV17-055, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification regarding the setbacks and the third variance from the building to the parking / drive aisles and how this variance works.

Mr. Zeledon stated the requirement is that there is 5 feet buffer between the drive aisle and a

building, but in this case they needed the parking space, so they proposed the variance.

Mr. Gage wanted clarification where El Dorado Avenue was.

Mr. Zeledon stated the concerns from the correspondence would be forwarded to the traffic department to look at the El Dorado Avenue concerns.

Ms. DeDiemar wanted clarification as to when the correspondence was received and if staff has had time to respond.

Mr. Zeledon stated the first several concerns were regarding the construction and staff would respond to those and the concerns regarding the pathway to school would be discussed with the traffic department.

Ms. Wahlstrom requested that Mr. Zeledon go through the correspondence question by question and explain them to the Commissioners.

Mr. Zeledon read each question and described how the concerns were addressed in our municipal code or by the Engineering department.

Ms. DeDiemar wanted to validate the homeowners concerns regarding the school traffic and asked that staff be respectful of these concerns.

Mr. Do stated the first comments are related to traffic control and the encroachment review will be required before permits are issued, that includes a traffic control plan, which would include that the construction hours, which would work around school times. He stated the street work is minimal and the patchwork will be repaired to our standards.

PUBLIC TESTIMONY

Atabak Youssefzadeh the architect on the project appeared and spoke, and thanked the staff for all their hard work.

Mr. Reyes wanted clarification why the third variance request couldn't be eliminated if they shortened the building.

Mr. Youssefzadeh stated the project was already a very challenging property to work with the shape and still make it profitable for the owner. He stated they needed that parking space. He also stated that the history of the property was a gas station and the traffic generated by this new use will be much less than the gas station generated.

Mr. Reyes asked if the applicant would be willing to work with staff to make sure there is a fence around the construction and a walk way during construction, for children walking to school.

Mr. Youssefzadeh stated yes they would make sure the project was fenced and a walkway was provided.

Ms. DeDiemar stated the traffic would be felt being as the gas station hasn't been there for many

years and therefore there hasn't been any traffic. She stated the landscape buffer would help the visual look of the area, and appreciated the effort to make a good use of this property. She encouraged the applicant to work with staff to form a good relationship with the resident and address the concerns.

Mr. Youssefzadeh stated he would like to work with staff to address the concerns with the resident in a certified letter, if that was allowed. He wants to be a good neighbor to the residents.

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

Mr. Reyes stated his appreciation for all the hard work the applicant and staff have put in to have something there with nice architectural features. He stated that there should be a screening of trash enclosure.

Mr. Delman stated he is pleased to see this project going there to help improve the area.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Gregorek, to adopt a resolution to approve the Variance, File No., PVAR17-008, and the Development Plan, File No. PDEV17-055, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs, Willoughby. The motion was carried 5 to 0.

- D. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA18-001 AND A SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA18-002:** A General Plan Amendment (**File No. PGPA18-001**) request to: 1) modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designation shown on the Land Use Plan Map (Exhibit LU-1) for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial; and 2) modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and a Specific Plan Amendment (**File No. PSPA18-002**) request to change the California Commerce Center Specific Plan land use designation of the property from Commercial/Food/Hotel to Rail Industrial. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) certified by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (Related File PSPA18-002) (APN: 0211-281-56); **submitted by SRG Archibald, LLC. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff report. She described the location and surrounding area. She described the history of the zone change on the property. She stated that staff is recommending the Planning Commission recommend approval of an Addendum to a previous EIR and File Nos. PGPA18-001, and PSPA18-002, pursuant to the facts and reasons contained in the staff report.

Mr. Reyes wanted clarification of what exactly they are looking at tonight and if variances were part of that.

Ms. Burden stated there were no variances at this time.

Mr. Reyes wanted clarification of how we can guarantee the requirements of upscale architecture.

Ms. Burden stated that when the development plan comes in it will need to coordinate with the area and staff would be looking at that, and specific requirements stated within the specific plan.

PUBLIC TESTIMONY

Patrick Russell with SRG appeared and spoke, thanking the staff. He clarified the reason for the zone change and how they won a design award from the city. He stated they have an innovated plan to bring forth the quality needed for that corner and same image as the design award project.

Mr. Reyes wanted to know if there was an idea of what type of industrial building this would be.

Mr. Russell stated it's a small building so most likely a local business with a couple offices and smaller delivery trucks and there is no specific user at this time.

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

Ms. DeDiemar stated that since it is taking this land use back to what it originally was it seems a reasonable request.

Mr. Reyes stated with the 10 freeway to the north and 60 freeway to the south, there aren't very many corners left. He stated we don't have a lot of office that is in the middle class, it's either at the high end or the low end, which makes it hard to work with. He stated he thinks there will be a need for more office buildings in the future, because of the airport. He expressed that this is a hard sell for him, for small business owners.

Mr. Gregorek stated it is a tough site but the staff make the best of the situation.

Mr. Gage thanked Ms. Burden for her presentation.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by DeDiemar, to recommend adoption of an Addendum to a previous EIR, Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs, Willoughby. The motion was carried 5 to 0.

It was moved by Gregorek, seconded by DeDiemar, to recommend adoption of a resolution to approve the General Plan Amendment, File No., PGPA18-001, and the Specific Plan Amendment, File No., PSPA18-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, and Gregorek; NOES, Reyes; RECUSE, none; ABSENT, Downs and Willoughby. The motion

was carried 4 to 1.

- E. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA07-001:** A Development Agreement Amendment (Second Amendment) between the City of Ontario and Western Pacific Housing, Inc., File No. PDA07-001, to extend the term of the agreement to serve Tract Map No. 18419. The project is located within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton. City Council Action is required.**

Principal Planner, Rudy Zeledon, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA07-001, pursuant to the facts and reasons contained in the staff report and attached resolution.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA07-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 5 to 0.

- F. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-003:** A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC Investments 6 L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-003, to extend the term of the agreement to serve Tract Map No's. 17931, 17932 and 17933. The project is located on the northeast and southeast corners of Mill Creek Avenue and Eucalyptus Avenue, within Planning Areas 8, 9, and 10 of the Esperanza Specific Plan. The environmental impacts of this project were reviewed in conjunction with an Addendum to the Esperanza Specific

Plan Environmental Impact Report (SCH# 2002061047) that was adopted by City Council on September 2, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of the Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. (APNs: 0218-332-12 and 16); **submitted by GDC Investments 6, L.P. City Council Action is required.**

Principal Planner, Rudy Zeledon, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA14-003, pursuant to the facts and reasons contained in the staff report and attached resolution.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Gage, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA14-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, and Reyes; NOES, none; RECUSE, Gregorek; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-004:** A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-004, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878. The project is located on the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 4, 5, 6, and 7 of the Esperanza Specific Plan. The environmental impacts of this project were reviewed in conjunction with an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) that was adopted by City Council on September 2, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of the Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. (APNs: 0218-332-11 and 17); **submitted by GDC-RCCD, L.P. City Council Action is required.**

Principal Planner, Rudy Zeledon, presented the staff report. He stated that staff is recommending

the Planning Commission recommend approval of File No. PDA14-004, pursuant to the facts and reasons contained in the staff report and attached resolution.

No one responded.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Reyes, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA14-004, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, and Reyes; NOES, none; RECUSE, Gregorek; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on April 12, 2018 and tiered several properties on West Holt Blvd. rating them all Tier 2. They had several discussion items of events coming up and repairs on Frankish and WCTU fountains.

Development Code Review (Ad-hoc): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee did not meet.

Mr. Reyes shared about the Planning Commissioner Academy he attended in Monterey.

New Business

ELECTION OF NEW OFFICERS

Mr. Delman stated that he would like to stay for one more year as the Chairman of the commission.

Ms. DeDiemar recommended Mr. Delman remain Chairman.

Mr. Delman was unanimously voted to remain Chairman, 5 to 0.

Ms. DeDiemar stated that she would like to nominate the current Vice-Chairman Mr. Willoughby, to remain.

Mr. Willoughby was unanimously voted to remain Vice-Chairman, 5 to 0.

City Attorney, Mr. Rice stated that being this is both Mr. Delman and Mr. Willoughby's second term in their positions as Chairman and Vice-Chairman, they would be termed out at the end of this year.

NOMINATIONS FOR SPECIAL RECOGNITION

Mr. Reyes stated he would like to nominate Wendy's & Auto Zone and the whole center project on Holt for special recognition. He stated he really likes the look of the center.

DIRECTOR'S REPORT

Ms. Wahlstrom stated the monthly activities reports are in their packets.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Gage. The meeting was adjourned at 8:49 PM.

Secretary Pro Tempore

Chairman, Planning Commission



PLANNING COMMISSION STAFF REPORT

May 22, 2018

SUBJECT: A Planned Unit Development (**File No. PUD17-004**) establishing land use designations, and development standards and guidelines to facilitate a Development Plan (**File No. PDEV17-011**) to construct an 8-unit apartment project on 0.29 acres of land, located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district (APNs: 1048-572-13 and 1048-572-11); **submitted by AB Holdings, LLC.**

PROPERTY OWNER: AB Holdings, LLC

RECOMMENDED ACTION: That the Planning Commission approve File No. PDEV17-011, and recommend that the City Council approves File No. PUD17-004, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 0.29 acres of land located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district, and is depicted in Figure 1: Project Location, below. The property surrounding the Project site is characterized by residential land uses to the north and east, commercial uses to the west, and First Christian Church to the south. The existing surrounding land uses, zoning and general plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table included in the Technical Appendix of this report.



Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — On March 3, 2017, AB Holdings, LLC (“Applicant”), submitted a Development Plan (File No. PDEV17-011) to construct an 8-unit

<i>Case Planner:</i>	Jeanie Irene Aguilo	<i>Hearing Body</i>	<i>Date</i>	<i>Decision</i>	<i>Action</i>
<i>Planning Director Approval:</i>		DAB	05/21/2018	Approved	Recommend
<i>Submittal Date:</i>	03/03/2017	ZA			
<i>Hearing Deadline:</i>	PUD17-004	PC	05/22/2018		Final Recommend
		CC	06/19/2018		Final

apartment on the 0.29-acre project site. The project has been submitted in conjunction with the Bungalows on Vine Planned Unit Development (File No. PUD17-004) which establishes the land use designations, development standards, and design guidelines that will govern the proposed project. The applications being considered are fully described in Sections 2 and 3, below.

The Center City Redevelopment Project Area Plan envisioned revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core. The Ontario Plan ("TOP") was established to further this vision and is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere, ensure the historic character of the district is enhanced, and concentrate the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, The Ontario Plan specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District.

The project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Policy Plan specifies that the Downtown Area is to be implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to the development of properties within the Area. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine PUD (included as Attachment "A" to the attached Resolution), which is consistent with this vision and the goals and policies of the Policy Plan.

The purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use, medium to high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and
- Ensure harmonious relationships with surrounding land uses.

A PUD is comparable to a Specific Plan in that it sets development regulations that are unique to a specific area; however, it is also unlike a Specific Plan in that a PUD is typically intended to apply to a single development project or several interrelated development projects that function together as a single, comprehensive project.

[2] Planned Unit Development (File No. PUD17-004)

[a] *Land Use and Development Regulations* — The MU-1 (Downtown Mixed Use) zoning district allows for the development of at a density of 25 to 75 dwelling units per acre, with a maximum building height of 55 feet or 5 stories. Consistent with the MU-

1 zoning district and in keeping with the context of the existing neighborhood, the Bungalows on Vine PUD allows for development of up to 30 dwelling units per acre, with a maximum building height of 35 feet or 2 stories.

[b] *Landscaping* — A conceptual landscape plan had been required to be submitted with the Development Plan for construction of the project site. The PUD provides a planting palette comprised of “California friendly” planting materials that are compatible with the overall architectural style established by the PUD. The PUD also requires the use of low water plant materials and a water efficient irrigation system with weather-based controllers. Where feasible, all other existing healthy trees within the project area are required to be preserved in place.

[c] *Parking and Circulation* — The PUD utilizes a combination of on-site and on-street parking to provide an adequate parking supply to meet the anticipated parking demand for the project. All resident parking will be provided on site, while guest parking spaces will be provided on-street.

[i] *Parking* — The required number of resident parking spaces is based upon the number of bedrooms per dwelling unit: a minimum of 1.75 on-site parking spaces for each one-bedroom dwelling and two on-site parking spaces for each two or more bedroom dwelling. Resident parking will be within attached garages. A parking analysis using the Downtown Ontario Parking Model was required to satisfy parking requirements for the project site.

[ii] *Access* — The PUD limits project access to the site to a single primary access along Vine Avenue and two secondary access points along B Street and the rear alley, at the northern end of the PUD area.

[iii] *Circulation* — The PUD provides for safe vehicular and pedestrian circulation throughout the project site by promoting separate pedestrian and vehicular accesses.

[iv] *Access to Mass Transit* — An existing bus stop is located on Holt Boulevard for Omnitrans routes 61. Additionally, the future West Valley Connector Bus Rapid Transit (BRT) line is proposed along Holt Boulevard.

[d] *Architectural Character* — The architectural character required by the PUD incorporates elements of the California Craftsman style, exemplified through the use of stucco exterior, lap siding, heavy timber and enhanced columns, recessed vinyl windows, large porches, covered balconies, variations of gable roofs, exposed rafter tails, and decorative light fixtures. As all sides of buildings will be visible from the public street, common access drives, common parking areas or adjacent parcels, the PUD requires that architectural treatments be carried around to all sides of the buildings, providing full 360-degree architecture. Furthermore, all towers and raised elements will be finished on

all sides, to appear as three-dimensional features, and buildings will feature articulated walls with offsets of at least two feet in depth. In addition, the PUD promotes the use of enhanced materials, such as stone or siding, for use as base treatments and to highlight architectural features, such as columns or pop outs.

[3] Development Plan Review (File No. PDEV17-011)

[a] *Site Design/Building Layout*— Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine PUD allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of up to 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet (2 stories), meeting the minimum requirements of the PUD.

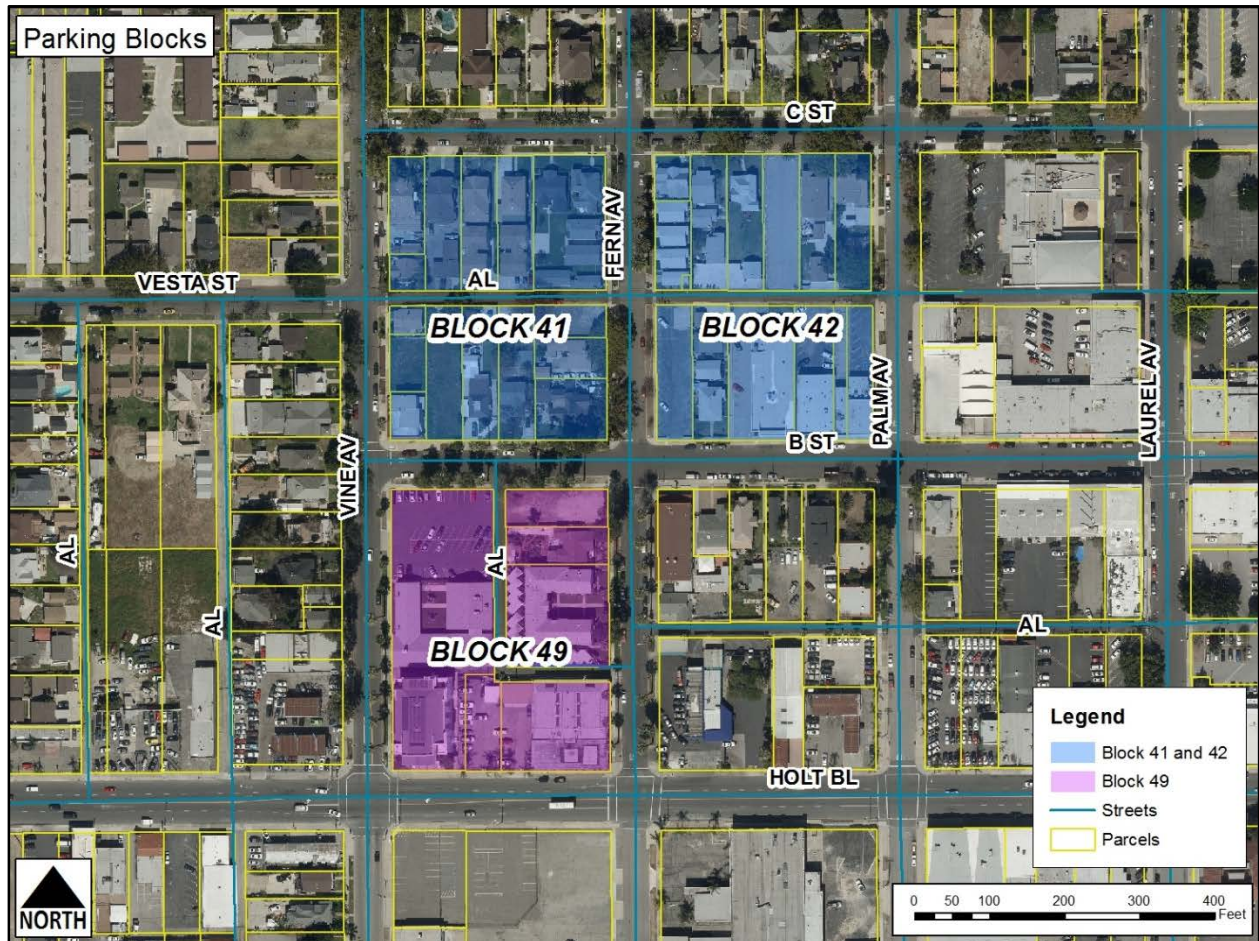
[b] *Site Access/Circulation*— Project access is provided by a main center drive aisle, with access taken from Vine Avenue. The 24-foot wide private drive will feature a wide setback area, which accommodates a sidewalk and landscaped parkway area. Additionally, vehicular access to garages is provided by 30-foot wide auto court, which incorporate decorative paving. The project will also provide adequate turn around areas to facilitate fire access and trash service. B Street and Vine Avenue are fully improved with a curb, gutter, parkway and a sidewalk.

[c] *Parking*— 15 of the 17 required parking spaces are provided on-site and 2 of the required parking spaces are provided off-site utilizing on-street parking. Since the project site is situated within a mixed-use area where on-street parking is available, the Ontario Development Code allows for staff to conduct parking analysis using the Downtown Ontario Parking Model. The Parking Model specifically evaluates each block within the downtown at maximum build out, and provides an estimate of parking availability (on-site and street parking combined), from 6 a.m. to 12 a.m., with shared parking as the premise.

The Parking Model evaluates the parking availability both by time of day and use. For example, a restaurant use has a higher parking demand during lunch time hours (12:00 p.m. to 2:00 p.m.) and dinner hours (6:00 p.m. to 8:00 p.m.) and an office use has a higher parking demand during normal business hours (8:00 a.m. to 5:00 p.m.), but has zero parking demand after 5:00 p.m., allowing the unused parking spaces to be shared with neighboring uses. The Parking Model accounts for a variety of land uses, including multiple-family residential housing.

Based on the existing land uses calculated in the Model, staff determined that Block 41 (project site) and the immediately surrounding Block 42 (see *Parking Blocks image below*) have adequate parking to accommodate the proposed project. At 6:00 a.m., and between 10:00 p.m. through 12:00 a.m., the Downtown Ontario Parking Model indicates a parking deficiency of 7 to 12 parking spaces on Block 41. It is staff's belief, however, that the

availability of additional parking spaces within the surrounding Block 42 will sufficiently accommodate the project. Additional on-street parking is also available on the block to the south (Block 49) of the project site, which have been included in the parking calculation. Therefore, staff has determined that based upon the Downtown Ontario Parking Model, in conjunction with the on-site parking proposed by the multiple-family housing project, sufficient parking exists to support the proposed project.



The tables below identifies the available parking in Block 41 (project site) and the immediately adjacent Block 42. As demonstrated by each table, the total amount of parking available for use in Blocks 41 and 42, exceeds parking demand during both daytime and evening hours.

Available Public Parking with Proposed Use – Day Hours (6:00 a.m. – 2:00 p.m.)

Available Public Parking	6 a.m.	7 a.m.	8 p.m.	9 a.m.	10 p.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.
Block 41	(7)	3	5	42	42	42	42	42	42
Block 42	107	111	103	114	115	118	116	115	114
Total	100	114	108	156	157	161	158	157	156

Available Public Parking with Proposed Use – Evening Hours (3:00 p.m. – 12:00 a.m.)

Available Public Parking	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	12 a.m.
Block 41	42	16	9	6	8	3	2	(7)	(9)	(12)
Block 42	116	108	112	110	112	109	113	108	108	106
Total	158	124	120	116	120	112	114	101	99	94

[d] *Architecture* — The project incorporates elements of the California Craftsman architectural style, which are indicative of the homes built in Ontario between the late 1800s and early 1900s. The California Craftsman architectural style was selected to compliment the historic context of the surrounding historic homes. The project will incorporate a stucco exterior, with lap siding, heavy timber and enhanced columns, recessed vinyl windows, large porches, covered balconies, variations of gable roofs, exposed rafter tails, and decorative light fixtures. The proposed colors feature earth tones with a dark brown and olive green base, and white trim for the windows, beams, balconies, and exposed rafters, as depicted in Exhibit C: Elevations.

Staff believes that the proposed project illustrates the type of high-quality residential architecture promoted by City’s Development Code. This is exemplified through the use of:

- Articulation in building footprints, incorporating horizontal changes in the exterior building walls (combinations of recessed and popped-out wall areas);
- Articulation in the building parapet and roof lines, which serves to accentuate the building’s entries and openings, and breaks up large expanses of building wall;
- Variations in building massing;
- A mix of exterior materials, finishes and fixtures; and

- Incorporation of base and top treatments defined by the layering of design elements, including horizontal changes in the exterior wall plane, and changes in exterior color (use of color blocking) and materials.

[e] *Landscaping* — The project provides substantial landscaping along the B Street, Vine Avenue, and alley frontages, throughout the off-street parking areas, and throughout the stormwater retention areas, for an overall landscape coverage of approximately 34 percent. A landscaped setback along B Street and Vine Avenue street frontages varies from 5 feet to 9 feet in depth, measured from the street property lines to the nearest buildings.

A variety of accent and shade trees in 24-inch, 36-inch and 48-inch box sizes will be provided to enhance the project. Moreover, decorative paving and lighting will be provided at vehicular entries, pedestrian walkways, and other key locations throughout the project.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

- G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

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

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

Housing Element:

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

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

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

- H5-2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

Community Economics Element:

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

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

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

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

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

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

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

Safety Element:

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

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

Community Design Element:

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

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

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

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

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

- Building volume, massing, and height to provide appropriate scale and proportion;

- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and

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

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

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

- Variable setbacks and parcel sizes to accommodate a diversity of housing types;

- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;

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

- Landscaped parkways, with sidewalks separated from the curb.
- CD2-5 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..
- CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.
- CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.
- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Mixed Use	Mixed Use Downtown	n/a
<i>North</i>	Residential	Mixed Use	Mixed Use Downtown	n/a
<i>South</i>	First Christian Church	Mixed Use	Mixed Use Downtown	n/a
<i>East</i>	Residential	Mixed Use	Mixed Use Downtown	n/a
<i>West</i>	General Conference of the Church of God (Seventh Day)	Mixed Use	Mixed Use Downtown	n/a

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Multiple-Family Dwellings:</i>				
<ul style="list-style-type: none"> <i>One-Bedroom Unit</i> 		1.75 parking spaces per unit (at least one space shall be in a garage or carport)	1.75	1
<ul style="list-style-type: none"> <i>Two or more Bedroom Unit</i> 		2.0 parking spaces per unit (at least one space shall be in a garage or carport)	14	14
<i>Guest Parking</i>		1 Space per 5 dwellings	1	On-Street Parking Permitted for Guest Parking per PUD
<i>TOTAL</i>			16.75*	15 Off-Street and 2+ On-Street Parking

* Parking analysis conducted using the Downtown Ontario Parking Model to utilize on-street parking on Block 41 (project site) and Block 42 (adjacent to site) to suffice parking requirements.

General Site & Building Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Project area (in acres):</i>	N/A	0.29 Acres	Y
<i>Project density (dwelling units/ac):</i>	25 DU/Acre Min. / 75 DU/Acre Max.	27.59 DU/Acre	Y
<i>Coverage (in %):</i>	100%	45%	Y
<i>B Street setback (in FT):</i>	9 FT	9 FT	Y
<i>Vine Avenue setback (in FT):</i>	9 FT	9 FT	Y
<i>Alley setback (in FT):</i>	5 FT	5 FT	Y
<i>Rear setback (in FT):</i>	5 FT	5 FT	Y
<i>Minimum building separation (in FT):</i>	6 FT	6 FT	Y
<i>Maximum height (in FT):</i>	55 FT	22.67 FT	Y

Dwelling Unit Statistics:

<i>Unit Type</i>	<i>Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in SF)</i>
Unit A	1,321 SF	3	2.5	2	152 SF
Unit B	861 SF	2	2	2	140 SF
Unit C	824 SF	2	2	2	121 SF
Unit D	866 SF	2	2	2	121 SF
Unit E	861 SF	2	2	2	140 SF
Unit F	861 SF	2	2	2	140 SF
Unit G	601 SF	1	1	2	130 SF
Unit H	1,408 SF	4	2.5	2	102 SF

Exhibit A—PROJECT LOCATION MAP

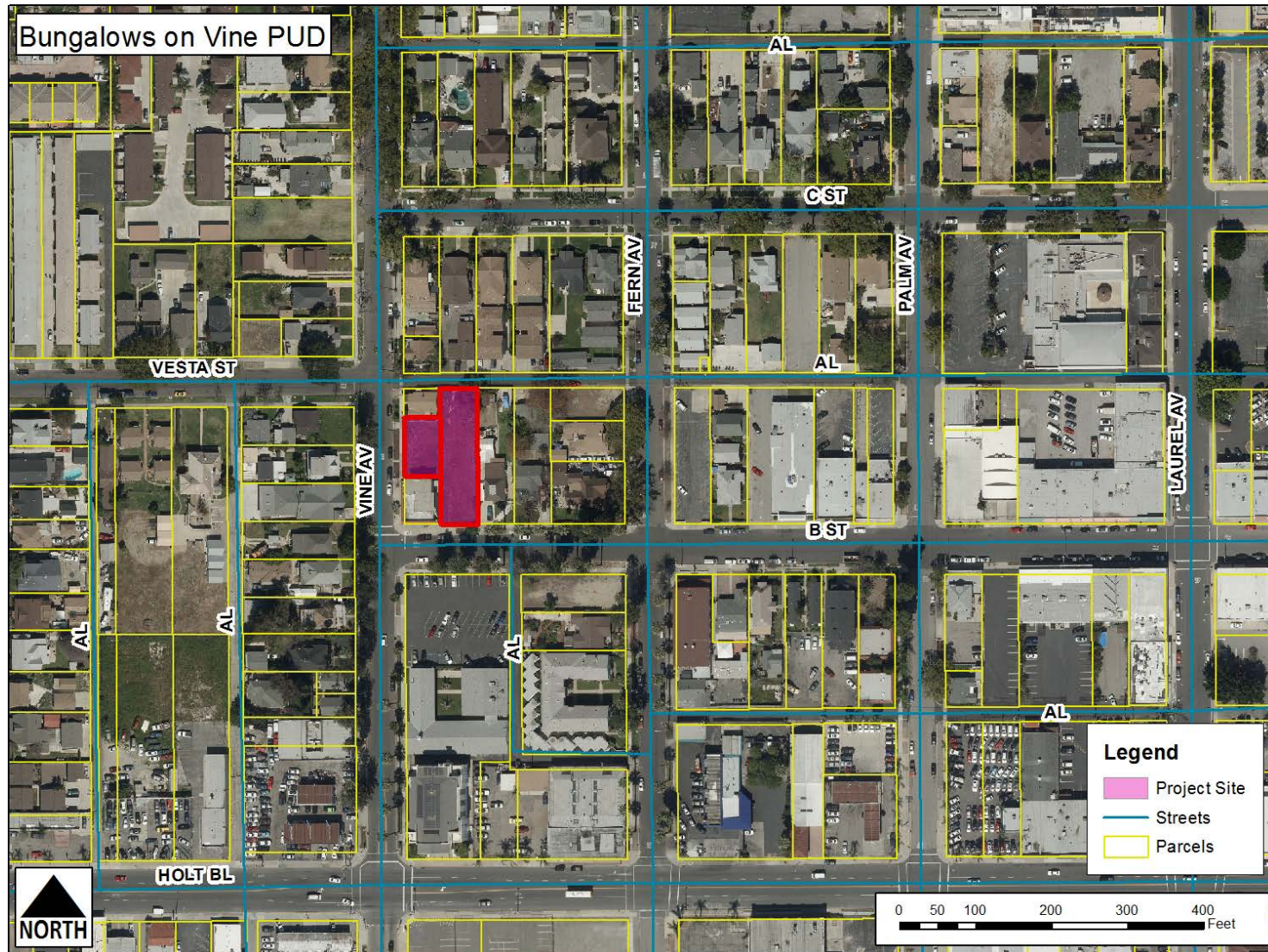
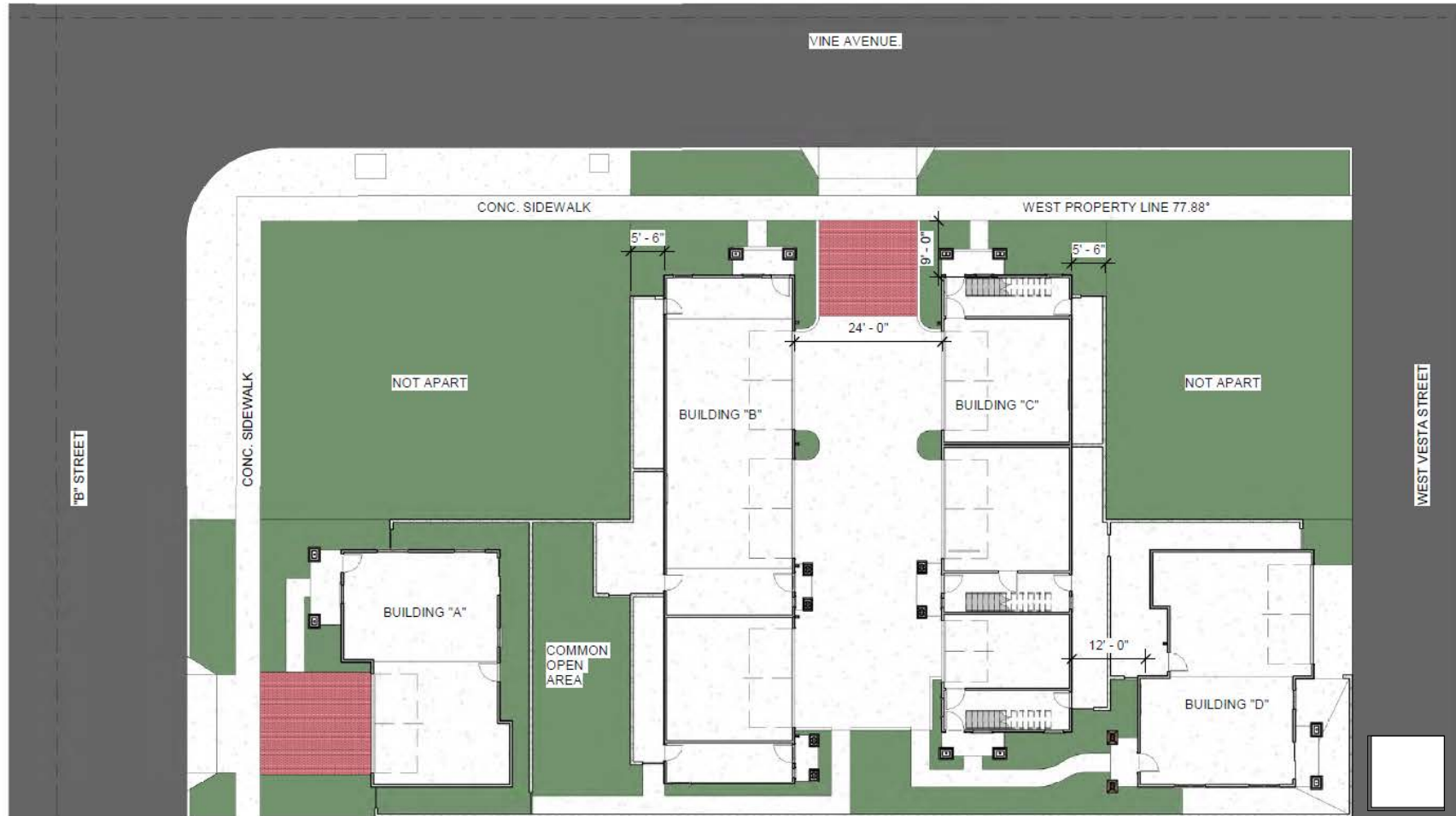


Exhibit B—SITE PLAN



1 SITE PLAN
1/16" = 1'-0"

Exhibit C—ELEVATIONS – BUILDING A



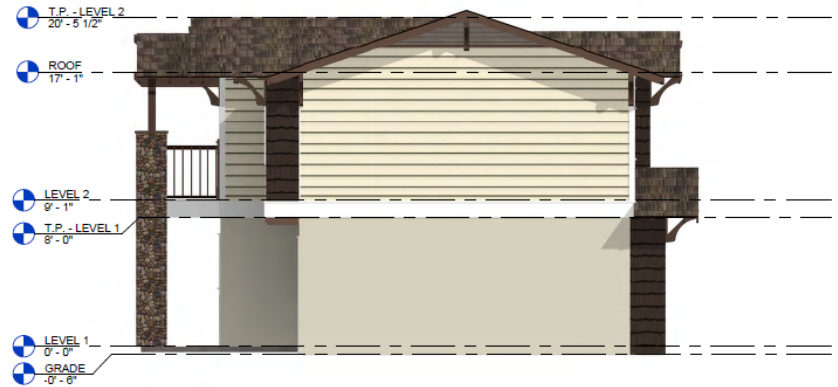
1 FRONT ELEVATION
3/16" = 1'-0"



2 RIGHT ELEVATION
3/16" = 1'-0"



3 REAR ELEVATION
3/16" = 1'-0"



4 LEFT ELEVATION
3/16" = 1'-0"

Exhibit C—ELEVATIONS – BUILDING B

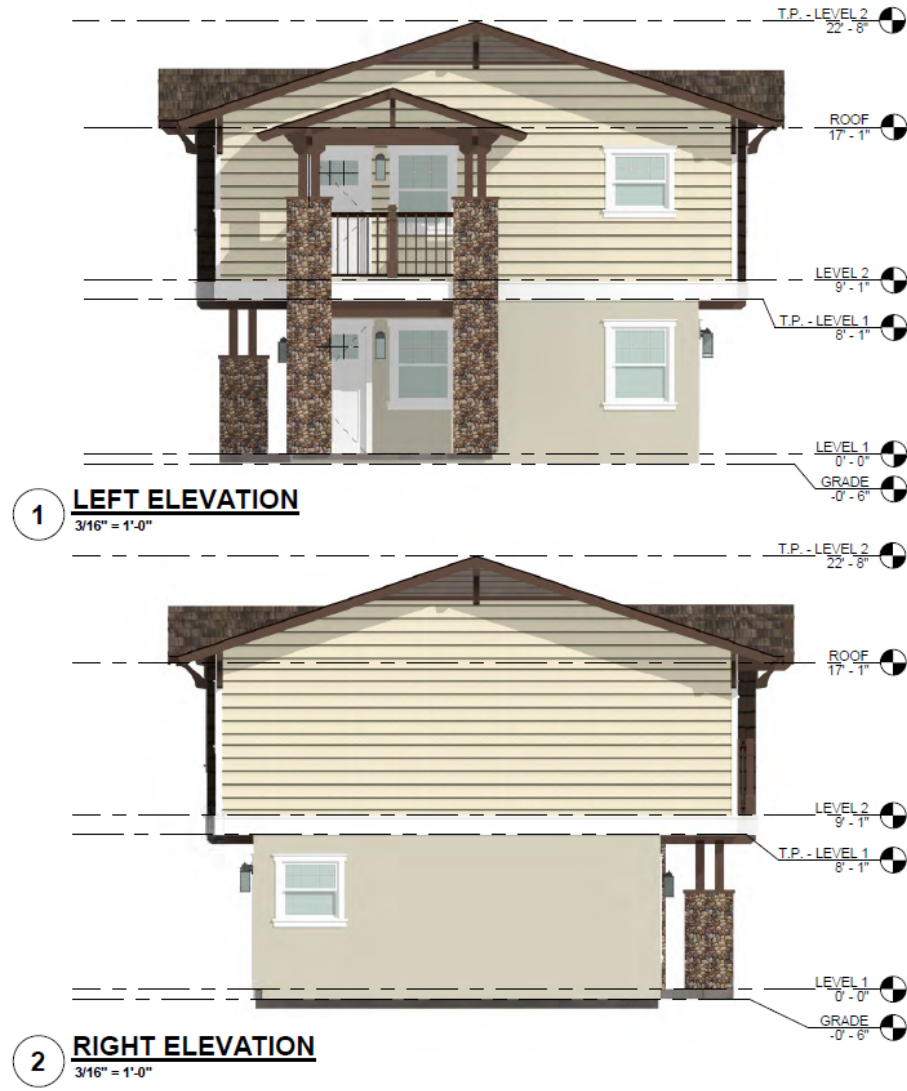


Exhibit C—ELEVATIONS – BUILDING B



4 FRONT ELEVATION
3/16" = 1'-0"



5 REAR ELEVATION
3/16" = 1'-0"

Exhibit C—ELEVATIONS – BUILDING C

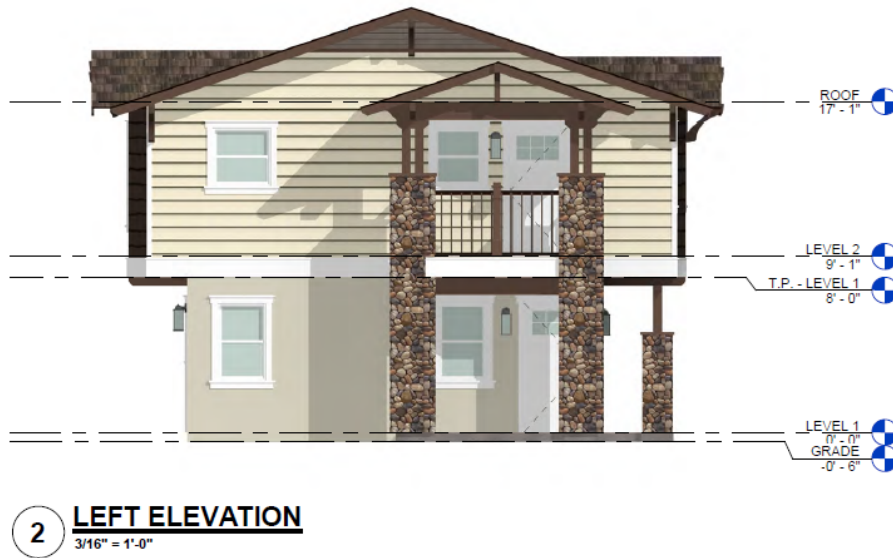


Exhibit C—ELEVATIONS – BUILDING C



3 FRONT ELEVATION
3/16" = 1'-0"



4 REAR ELEVATION
3/16" = 1'-0"

Exhibit C—ELEVATIONS – BUILDING D



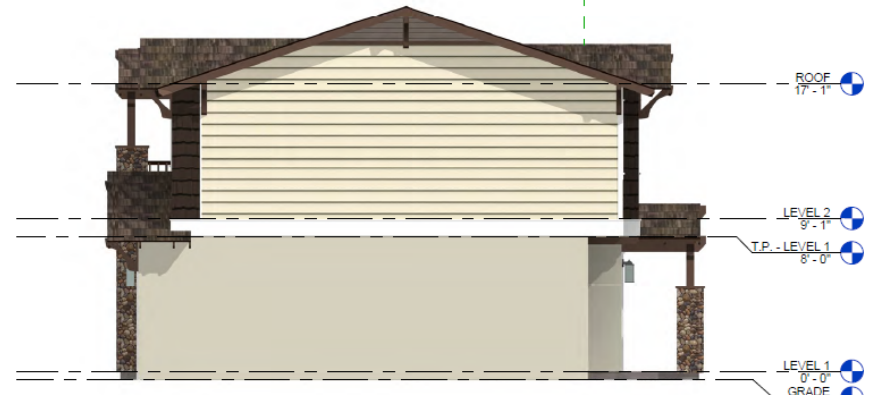
1 FRONT ELEVATION
3/16" = 1'-0"



2 RIGHT ELEVATION
3/16" = 1'-0"



3 REAR ELEVATION
3/16" = 1'-0"



4 LEFT ELEVATION
3/16" = 1'-0"

Exhibit D—LANDSCAPE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-004, A PLANNED UNIT DEVELOPMENT ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-572-13 AND 1048-572-11.

WHEREAS, AB HOLDINGS, LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PUD17-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.29 acres of land located 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, the property to the north of the project site is within the MU-1 (Downtown Mixed Use) zoning district, and is developed with a multiple-family residential land use. The property to the east is within the MU-1 zoning district, and is developed with a single-family residential land use. The property to the south is within the MU-1 zoning district, and is developed with a place of worship. The property to the west is within the MU-1 zoning district, and is developed with a place of worship; and

WHEREAS, the project site is located within the Center City Redevelopment Project Area Plan envisions revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core. The Ontario Plan ("TOP") was established to further this vision and is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere, ensure the historic character of the district is enhanced, and concentrate the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, The Ontario Plan specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District; and

WHEREAS, the project site is located within the Downtown Mixed Use District of the Policy Plan (general plan). The Policy Plan specifies that the Downtown Mixed Use District is to be implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to the development of properties within the District. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine

PUD (included as Attachment "A" to the attached Resolution), which is consistent with this vision, and goals and policies of the Policy Plan; and

WHEREAS, the specific purpose of the PUD is to secure a fuller realization of the Policy Plan than would otherwise result from the strict application of present zoning district regulations, and to promote high standards in urban design; encourage the development of exceptionally high quality, mixed-use, high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and, ensure harmonious relationships with surrounding land uses; and

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

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

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

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

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

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

WHEREAS, on May 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. [insert DAB Decision #] recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as

the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

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

(2) ***The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.***

The Planning Commission has required certain safeguards, and has required certain changes, which have been established to ensure that: [i] the purposes of the Planned Unit Development are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.

(3) ***In the case of an application affecting specific properties, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.***

A thorough review and analysis of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.***

In preparing the proposed PUD, a thorough review and analysis of the proposed project and the project site's physical suitability for the proposed project was completed, including analysis of the project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) ***The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.***

The proposed PUD addresses aspects of the project that are specifically related to the Development Plan proposed in conjunction with the PUD application, including necessary building setbacks, site access points, off-street parking and site circulation, and architectural character.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PUD17-004
Bungalows on Vine Planned Unit Development**

(Departmental conditions of approval to follow this page)



BUNGALOWS ON VINE

Planned Unit Development

Ontario, California



APPROVAL DATE
FILE NO. PUD17-004

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1. INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of an infill area of two adjacent vacant lots within a developed area. The development is two adjacent properties, The South facing lot facing “B” Street and the other, site facing west is fronting on Vine Avenue. To the rear of the “B” Street lot, access is available through the existing alley known as West Vesta Street (see Figure 1.1 Project Location Map).

The project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Bungalows on Vine Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City’s land use and design objectives.

Figure 1-1: Project Location Map

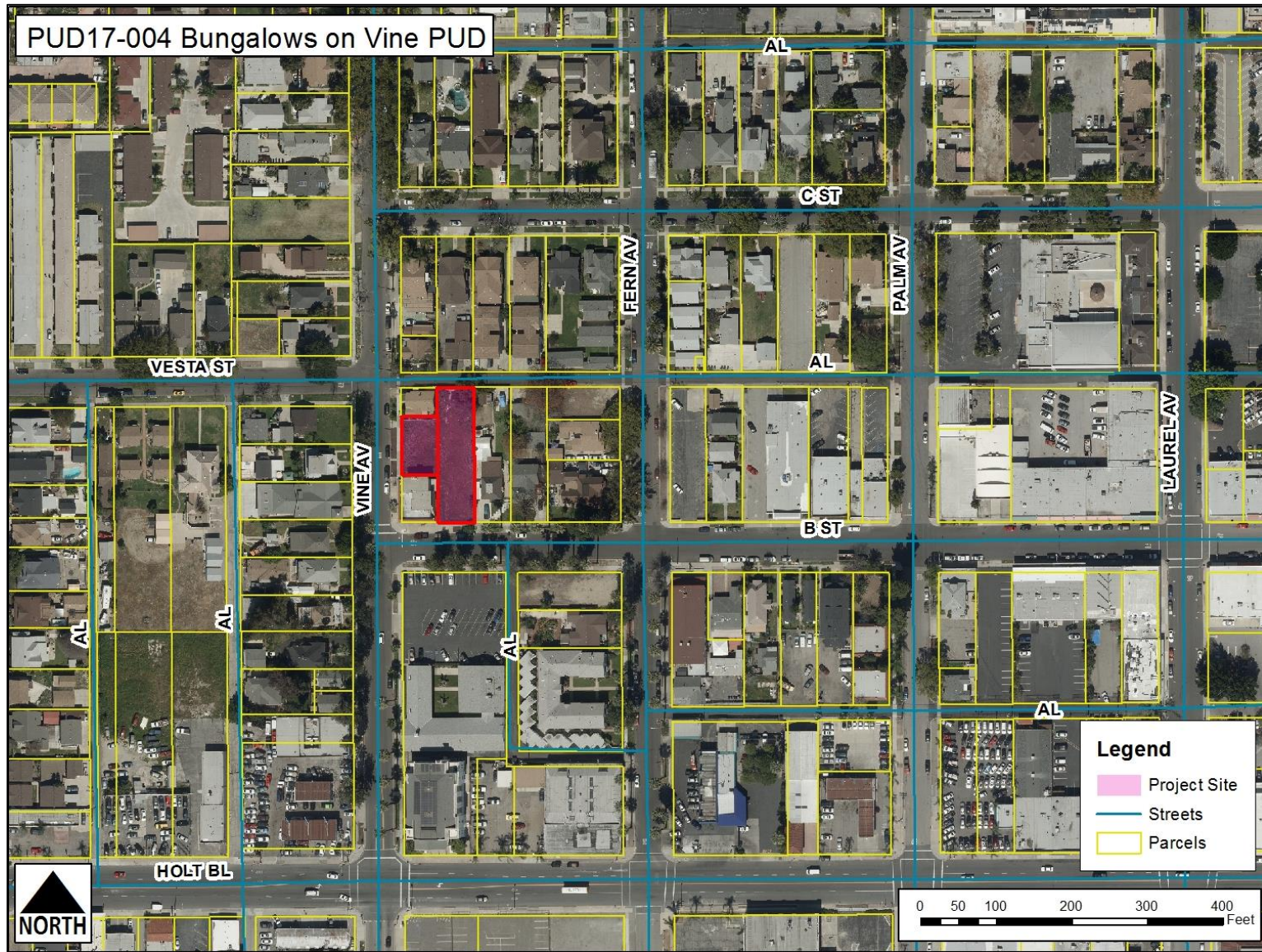
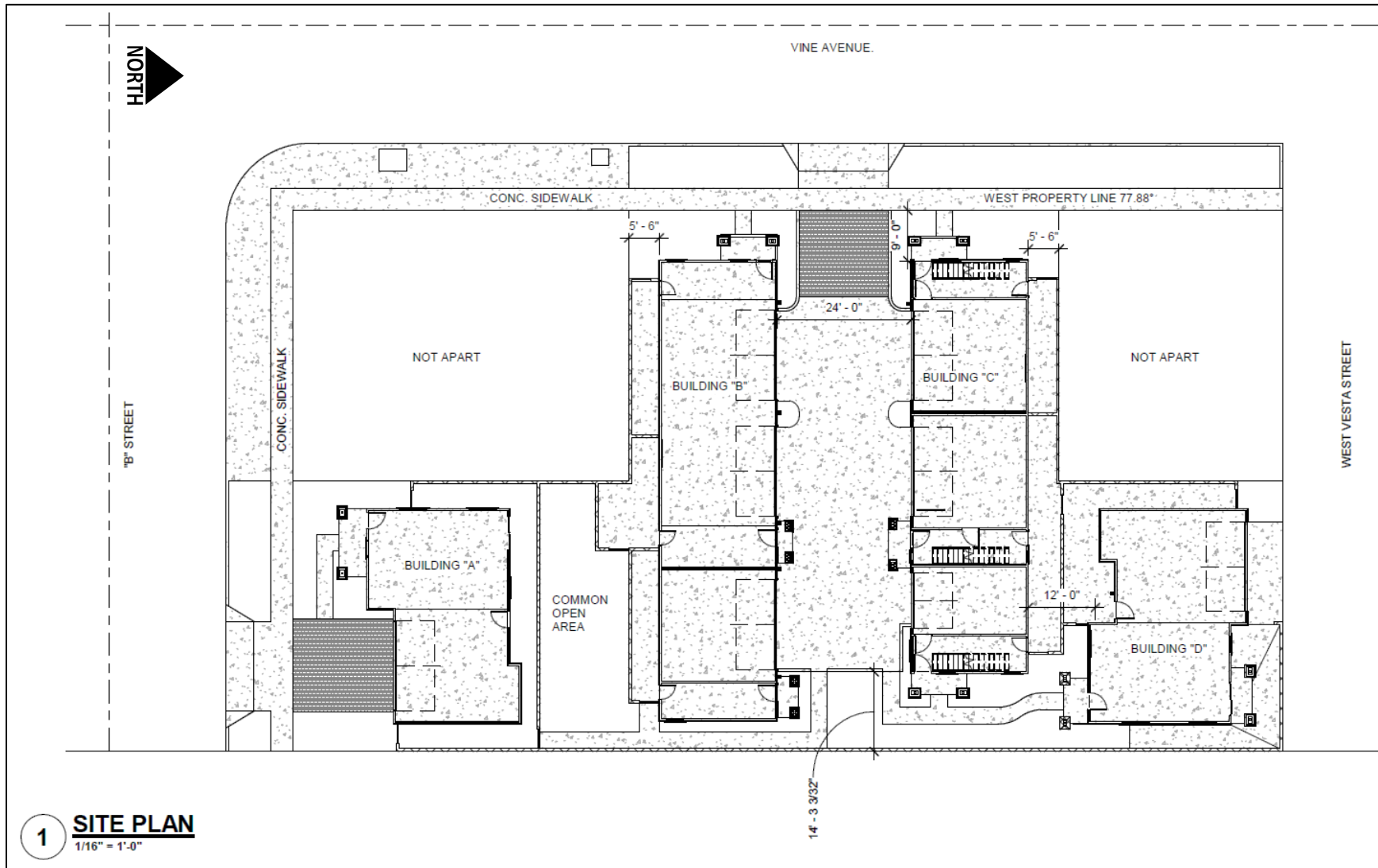


Figure 1-2: Site Plan



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2. OBJECTIVES

The Ontario Plan, which includes the City's General Plan, designates the project area as part of the Downtown Mixed Use District (see Figure 2-1: Downtown Land Use District Map). The Downtown Mixed Use District designation requires approval of a Planned Unit Development (PUD) to develop the property. Additionally, the designation specifies a residential density range of 25-75 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses.

The Ontario Plan goals and policies furthered by this Planned Unit Development are as follows:

2.1. Land Use Element Goals and Policies

- i. LU1 – Balance. 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.
 - a. 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.
- ii. LU2 – Compatibility. Compatibility between a wide range of uses.
 - a. LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.
 - The PUD takes into consideration the existing uses on the surrounding properties and provides privacy buffers with decorative masonry walls, landscaping and setbacks.
- iii. LU3 – Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - a. LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.

2.2. Housing Use Element Goals and Policies

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

- The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
- ii. H2 – Housing Supply and Diversity. 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.
- a. H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
 - b. H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

2.3. Community Design Element Goals and Policies

- i. CD1 – Image and Identity. A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- a. 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.
 - b. CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.

- ii. CD2 – Design Quality. A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
 - a. CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:
 - building volume, massing, and height to provide appropriate scale and proportion;
 - a true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
 - Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

2.4. Center City Redevelopment Plan Objectives

The Center City Redevelopment Plan was established to provide the framework and the process to guide the development of projects within the study area of the Redevelopment plan. The following list of objectives have been identified from the Redevelopment plan as pertaining to the Planned Unit Development (PUD).

- i. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development
- ii. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development.
- iii. Provide improvements necessary for the elimination of blight and provide for the orderly development of commercial, industrial and residential areas within the redevelopment area.
- iv. Maximize the housing opportunities for the residential areas.
- v. Encourage and facilitate medium and high density development, including, but not limited to, condominiums, townhomes, apartments and similar compatible uses.

- vi. Create an attractive and pleasant environment in the project area through the use of proper design, open space and other amenities to enhance the aesthetic quality.

2.5. Bungalows on Vine Street Objectives

This Planned Unit Development provides guidelines for development of the project area. The following objectives are intended to provide a general framework for establishing development standards to ensure proper development of the project area.

- i. Develop high quality, rental housing
- ii. Establish appropriate relationships among new residential neighborhoods as well as with adjacent land use
- iii. Provide new housing designed for families with children
- iv. Provide area of private and passive open space with each unit to include private balconies and porches with private yard areas.

Figure 2-1: Downtown Land Use District Map

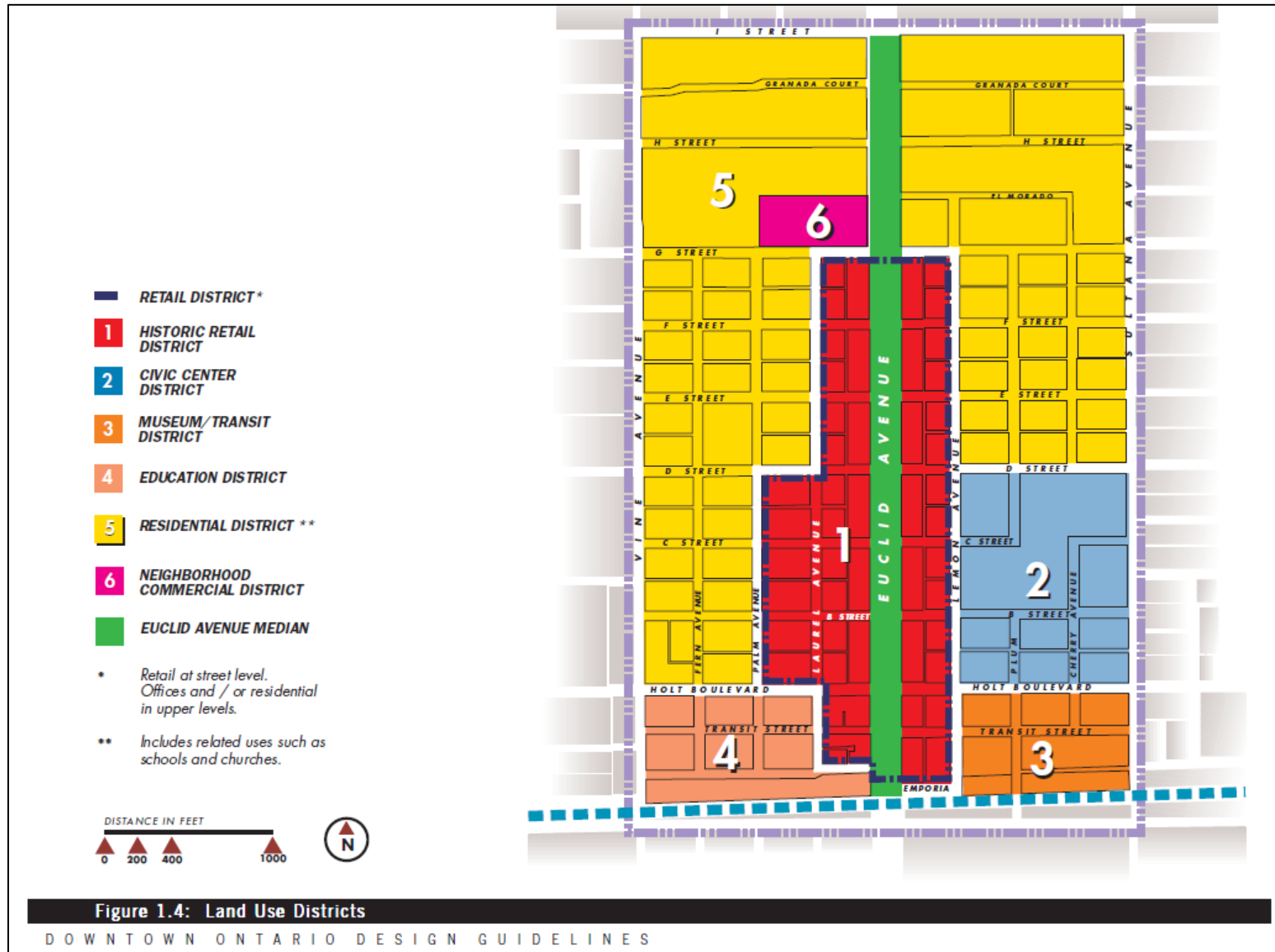


Figure 1.4: Land Use Districts
DOWNTOWN ONTARIO DESIGN GUIDELINES

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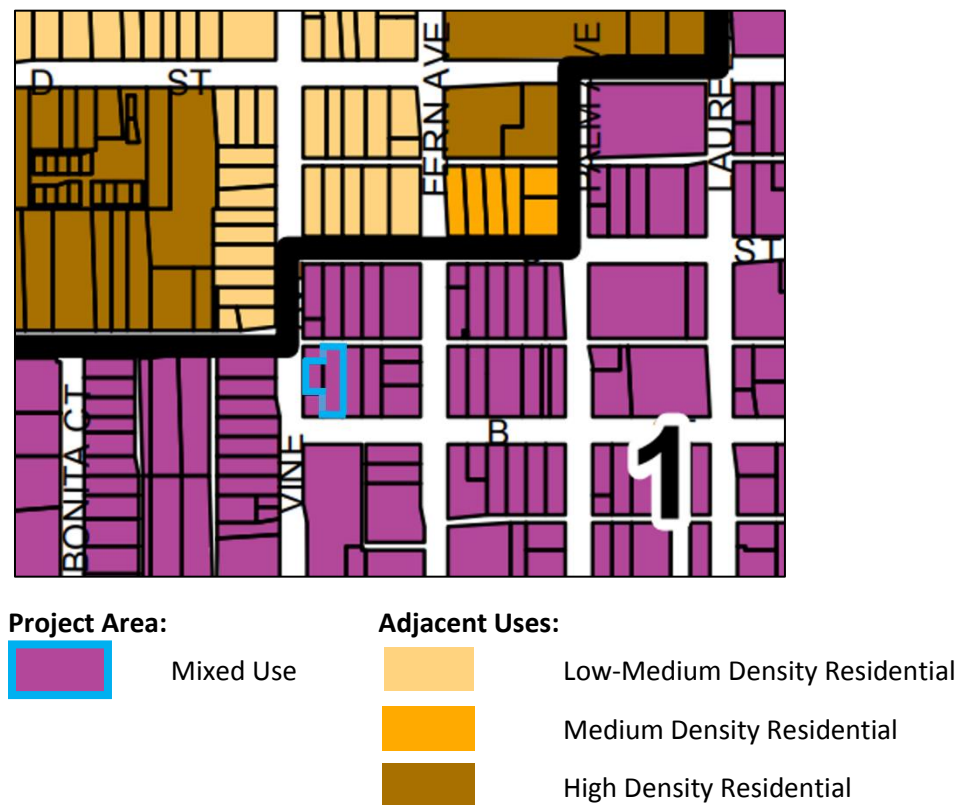
3. LAND USE PLAN

3.1. Land Use Plan /Allowable Uses

The Project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use area. The MU-1 zoning district was established to accommodate and intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated Multiple Family Residential (MFR) land use designation. Exhibit 3.1 (Land Use Plan) depicts the Planned Unit Development boundary and land use designation.

Figure 3-1: Land Use District Map [Exhibit LU—1 Land Use Plan of TOP]



3.2. Residential Use

The project site will be developed with a mixture of both attached and detached housing units. Two buildings consisting of three attached units and two separate buildings consisting of single detached units. All units will be two story with two car parking garages below and the living areas on upper / second level. Interior first floor garage access with interior laundry rooms and staircase access to living areas above.

3.3. Permitted Uses List

The Permitted Land uses within the Bungalows on Vine Planned Unit Development (PUD) are as follows:

- i. Multiple family residential dwellings
- ii. Motor vehicle parking ancillary to multiple family housing developments
- iii. Temporary uses as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit.
- iv. Other land use compatible with multiple family residential development projects, as determined by the Zoning Administrator.

Uses may be prohibited through rental contracts and agreements as provided by the owner and project management, unless prohibited by Federal, State or local laws.

4. DEVELOPMENT REGULATIONS

4.1. Residential Density

Residential density shall be allow 25 to 30 dwelling units per acre.

4.2. Project Density

This particular combined infill project site consist of 0.29 acres. This zone density will require a minimum of 7 dwellings and a maximum of 8 dwellings. An 8 unit multiple family development has been proposed.

4.3. Building Height

No structure shall exceed 35 feet in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls and any other roof top structures by up to 10% of the allowed building height. No rooftop equipment shall be visible from anywhere on the project site, public streets or adjacent properties, and shall be fully screened with appropriate architectural parapet walls or appropriate roof treatments. Roof mounted equipment shall not exceed the height of the structures and appurtenances used to screen the equipment.

- i. No roof mounted equipment proposed. All HVAC units shall be placed within the attic space of the proposed roof structure, and condenser units shall be ground-mounted and properly screened.

4.4. Building Setbacks

Table 4-1: Minimum Building Setbacks

Minimum Street Setbacks:	Distance
▪ Vine Avenue	9 FT
▪ B Street	9 FT
▪ Vesta Street (Alley)	5 FT
Interior Side Setback	5 FT
Rear Setback	5 FT
Porches, Patio Covers, and Similar Architectural Projections**	5 FT
Minimum Building Separation	6 FT

**No projection may encroach into any necessary easements

All setbacks shall be measured from the ultimate property lines. Placement of buildings, structures, fences, walls, utility facilities, yards etc. will be based on the streets rights of way and the property line dimensions. Allowable encroachments in yards include (maximum 6'-0" high) property line fences and gates, landscaping, paving, and public utilities.

4.5. Access

Along Vine Avenue one driveway access is allowed, providing primary access to the site. One access driveway will be allowed to serve the single family unit facing "B" Street. One access driveway will be allowed to serve the single family unit facing Vesta Street (alley).

4.6. Open Space

Open space shall be provided for the passive and the active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street setback areas are not counted towards the common open space requirements.

4.7. Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks and patios and enclosed yard areas.

Private open space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space pursuant to Section 6.01.010.E (Open Space Requirements for Single-Family Small Lot Subdivisions, and Multiple-Family and Mixed-Use Development Projects) of the Ontario Development Code. The space may be provided in multiple areas (e.g. balconies, covered porches, a yard and a patio, etc.) As long as the total area of the spaces meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

4.8. Common Open Space

Common Open Space shall be provided to allow for both passive and active types of recreation, along with the site landscape amenities. These areas are for use by project residents and their guests. The amount of required common open space is based on the number of dwelling units developed.

Areas not considered in common open space include (1) parking areas; (2) walkways along or between buildings; (3) parking area landscaping; (4) street setback areas; and (5) other areas not intended for active or passive recreation.

4.9. Landscaping

i. Site Landscaping

A conceptual landscape plan shall be submitted with each Development Plan within the Bungalows on Vine PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

The Landscape and irrigation plan shall be designed with water conservation in mind, utilizing “California friendly” species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials.

ii. Compliance with State and Federal Laws

- a. Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with the California Government Code Section 65591.

4.10. Screening

i. General Requirements



















- a. All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.

- b. Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- c. Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- d. All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

ii. **Fences, Walls, and Hedges**

Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.

Figure 4-1: Conceptual Landscape Planting Legend

PROPOSED PLANTING LEGEND							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.	SPACING	WUCOLS#	NOTES
TREES							
	CERCIS OCCIDENTALIS	WESTERN REDBUD CALIFORNIA NATIVE	.36" BOX 48" BOX	2 1	PER PLAN	0.4	TREE FORM DECIDUOUS
	LAGERSTROEMIA L. "MUSKOGEE"	MUSKOGEE ORAPE MYRTLE	24" BOX (ST. TREE) 48" BOX	2 2	PER PLAN	0.4	TREE FORM DECIDUOUS
	OLEA EUROPAEA "WILSONI"	FRUITLESS OLIVE	48" BOX 60" BOX	2 1	PER PLAN	0.4	TREE FORM EVERGREEN
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	36" BOX	2	PER PLAN	0.4	TREE FORM EVERGREEN
	PODOPARPUS GRACILIOR	FERN PINE	15 GAL	1	PER PLAN	0.4	LOW BRANCHED EVERGREEN
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM STREET TREE	17" BTH	1	PER PLAN	0.2	BTH=BROWN TRUNK HEIGHT
SHRUBS							
	LANTANA 'CHAPEL HILL'	CHAPEL HILL YELLOW LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LANTANA 'TEENY GENIE'	TEENY GENIE LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LEUCOPHYLLUM C. 'THUNDER CLOUD'	THUNDER CLOUD VIOLET SILVERLEAF	5 GAL	10	4'	0.2	PROVIDE NURSERY TAGS
	LONANDRA LONGIFOLIA 'BREEZE'	BREEZE DWARF WAT RUSH	1 GAL	13	2.5'	0.3	PROVIDE NURSERY TAGS
	MANDIRA D. 'MOYERS RED'	MOYERS RED HEAVENLY BAMBOO	5 GAL	10	4'	0.4	PROVIDE NURSERY TAGS
	PENNISETUM S. 'EATON CANYON'	DWARF FOUNTAIN GRASS	1 GAL	59	PER PLAN	0.3	PROVIDE NURSERY TAGS
	PODOPARPUS MACROPHYLLUS 'MAY'	SHRUBBY YEW PINE	5 GAL	77	2.5'	0.2	PROVIDE NURSERY TAGS
VINES							
	PARTHENOCLISSUS TRICUSPIDATA	BOSTON IVY	1 GAL	24	PER PLAN	0.2	PROVIDE NURSERY TAGS
GROUND COVERS							
	JUNIPERUS P. 'GREEN MOUND'	GREEN MOUND JUNIPER	1 GAL	19	3'	0.4	PROVIDE NURSERY TAGS
	ROSMARINUS O. 'HUNTINGTON CARPET'	HUNTINGTON CARPET ROSEMARY	1 GAL	32	±/-4'	0.2	PROVIDE NURSERY TAGS
	SOD	DWARF TALL FESCUE	LAWN	370 S.F.		0.7	AVAILABLE FROM #6 SOD
	ORGANIC MULCH	SHREDDED BARK MULCH INSTALLED IN ALL SHRUB AREAS	3" DEEP	3,895 S.F.			AVAIL. THRU EARTHWORKS OR EQUAL

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5. PARKING AND CIRCULATION

5.1. Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be achieved through building orientation and placement, to minimize the use of gates and fencing. Amenities shall be properly gated limiting access to residents and their guests.

5.2. Vehicle Circulation

The project site shall be designed to reduce the number of dead end aisles in the parking access to the individual garages, and shall provide all guest parking outside of development (on or off site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

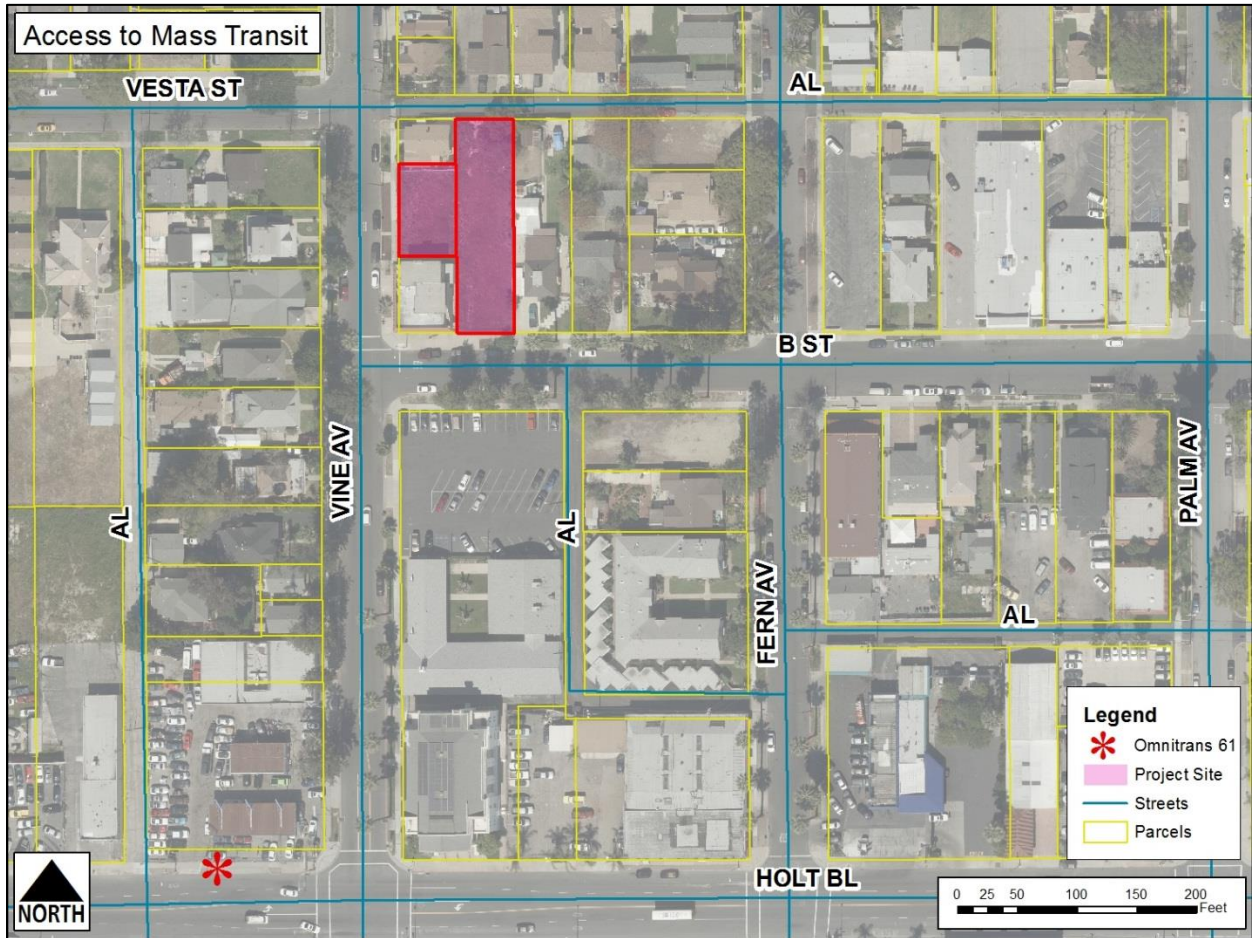
5.3. Pedestrian Circulation

Site design must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from the parking motor court to garages area to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

5.4. Access to Mass Transit

Proposed Development Project within the PUD area should encourage the use of the existing bus stops by providing pedestrian connections to westbound line [Omnitrans 61] with a bus stop located on the northwest corner of Holt Boulevard and Vine Avenue (see Figure 5-1: Access to Mass Transit).

Figure 5-1: Access to Mass Transit



5.5. Public Right-of-Way Improvements

- i. The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the entire block frontage is not being installed with a particular development. Improvements along the street frontage for the entire block may be required at the time of development plan review.

5.6. Infrastructure

Water service for this PUD site will be provided by utilizing the existing water lines under Vine Avenue and B Street. Waste / sanitary sewer connections from the PUD project site will also connect in two locations to existing Sewer lines located in Vine Avenue and B Street. Regarding the on- site storm water drainage, the site development area is less than the min. area required for WQMP requirements. Storm water runoff will be directed to the nearest catch basin, storm drain located in Vine Avenue.

5.7. Parking Requirements

i. On-Site Parking Requirements

The number of parking spaces provided is based on the number of bedrooms contained within each of the dwelling units proposed, and is subject to the following requirements.

- a. All required resident parking spaces shall be provided on-site, except fractional spaces may be provided off-site;
- b. At least one covered parking space (s) shall be used for the parking of the occupant (s) operable automobile (s) only
- c. Each dwelling unit is intended for occupancy by one family only, regardless of bedroom size (s) provided in a particular unit. Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 5-1: Minimum Parking Requirements below, except that guest parking may be provided on-street, pursuant to Section 5.7.ii (On-Street Parking) of this Planned Unit Development (PUD).

Table 5-1: Minimum Parking Requirements

Use	Parking Spaces Required
Multi-Family Dwellings:	
<ul style="list-style-type: none"> • One-Bedroom Unit 	1.75 parking spaces per unit (at least one space shall be in a garage or carport)
<ul style="list-style-type: none"> • Two or more Bedroom Unit 	2.0 parking spaces per unit (at least one space shall be in a garage or carport)
Guest Parking	1 Space per 5 dwellings

ii. On-street Parking Requirements

On-street parking may be utilized to satisfy guest parking requirements, subject to the following conditions:

- a. On-street parking may be used to satisfy guest parking requirements only, and shall not be used for required resident parking.
- b. On-street parking shall only be counted along the public streets surrounding the project site, on the side of the street adjoining the project, excluding the alley to the north of the site (West Vesta Street).
- c. On-street parallel parking spaces shall be calculated by the length of unobstructed curb adjacent to the project site.

iii. Parking Standards

All parking space size and location requirements shall conform to the standards set forth in Section 6.03.045 (Off-Street Parking Standards) of the Ontario Development Code.

6. DESIGN GUIDELINES

6.1. Building Orientation and Streetscapes

Building orientation shall be designed to minimize noise impacts, aide in providing site safety, create proper accessibility to unit entries and parking garage areas. Maximize views from each of the residential units. Design should be done in a way to maximize each unit’s ability to provide private and open space while prioritizing privacy for all tenants.

6.2. Architectural Character

The PUD Architectural style and design is a modern interpretation of the “Craftsman Bungalow” style. The design will provide lower roof pitch (4:12), open rafter tails, rough sawn posts and beams, gabled roofs with gable end slat style vents. Field areas shall be a combination of horizontal siding and stucco plaster walls. Areas with street frontages will have covered porches with river rock stone veneered columns and open post and beam accents.

6.3. Architectural Details

The four buildings designed for this PUD, site are consistent in design, detail with a Craftsman style throughout the project. All buildings are designed to match and complement each other. Architectural details should complement and enhance openings, and accentuate overall design of the buildings. Detailing can be achieved through the use of different colors and materials to create interesting exterior elevations.

6.4. Materials and Color

Materials and color scheme shall be compatible with, and complementary to the overall style of the development project. All buildings on the site will utilize a combination of light and dark colors to break up the building planes. Light colored doors, trim, window casings, and sills will define openings and entries. All colors shall be complementary to the architectural style and utilize primarily earth tones. Materials specified will be a combination of stucco plaster, horizontal shiplap siding, stone veneer for columns, rough sawn exposed wood beams, posts and rafter tails. A dimensional architectural style shake style roof shingle shall be used for the roof covering.

6.5. On-Site Lighting

- i. Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the buildings, shall be provided for this development.
- ii. All other on-site lighting shall meet development standard of the Ontario Development Code.

6.6. Signage

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development code.

6.7. Off Site Improvements

All off-site improvements shall be installed in accordance with the City standards, and to the satisfaction of the City Engineering department.

7. ADMINISTRATION

7.1. Items Not Addressed in PUD

Any terms, requirements, or regulations not addressed within this PLANNED UNIT DEVELOPMENT document shall be governed by the City of Ontario Development Code, the regulations of the General Mixed Use zones and City Standards.

7.2. Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

7.3. Administrative Exceptions

Deviation from the development standards set forth in this document may be granted up to a maximum of 10 percent by the Zoning Administrator. Any deviation that is greater than 10 percent shall require variance approval.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-011, A DEVELOPMENT PLAN TO CONSTRUCT AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-572-13 AND 1048-572-11.

WHEREAS, AB HOLDINGS, LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.29 acres of land generally located 214 North Vine Avenue and 422 West B Street within the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, the property to the north of the project site is within the MU-1 (Downtown Mixed Use) zoning district, and is developed with a multiple-family residential land use. The property to the east is within the MU-1 zoning district, and is developed with a single-family residential land use. The property to the south is within the MU-1 zoning district, and is developed with a place of worship. The property to the west is within the MU-1 zoning district, and is developed with a place of worship; and

WHEREAS, the Project consists of the construction of two-story apartment buildings for a total of 8 dwelling units. Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine Planned Unit Development (PUD) allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet, meeting the minimum requirements of the PUD; and

WHEREAS, Project access is provided by a main center drive aisle, with access taken from Vine Avenue. The 24-foot wide private drive will feature a wide setback area, which accommodates a sidewalk and landscaped parkway area. Additionally, vehicular access to garages is provided by 30-foot wide auto court, which incorporate decorative paving. The project will also provide adequate turn around areas to facilitate fire access and trash service. B Street and Vine Avenue are fully improved with a curb, gutter, parkway and a sidewalk; and

WHEREAS, the Planning Department prepared a parking analysis for the project, using the Downtown Ontario Parking Model. The Parking Model specifically evaluated each block within the downtown at maximum build out, and provided an estimate of

parking availability (on-site and street parking combined) between the hours of 6:00 a.m. and 12:00 a.m., with shared parking as the premise; and

WHEREAS, Based on the existing land uses calculated in the Downtown Ontario Parking Model, staff determined that Block 41 (project site) and the immediately surrounding Block 42 have adequate parking to accommodate the proposed project. At 6:00 a.m., and between 10:00 p.m. through 12:00 a.m., the Downtown Ontario Parking Model indicates a parking deficiency of 7 to 12 parking spaces on Block 41; however, the availability of additional parking spaces within the surrounding Block 42 will sufficiently accommodate the project. Additional on-street parking is also available on blocks to the south of the project site, and have been included in the parking calculation. As such, based upon the results of the Downtown Ontario Parking Model, and taking into account the on-site parking proposed by the Project, sufficient parking exists to support the proposed project; and

WHEREAS, the Project incorporates elements of the California Craftsman architectural style, which are indicative of the homes building in Ontario between the late 1800s and early 1900s, including stucco exteriors, with lap siding, heavy timber, enhanced columns, recessed vinyl windows, large porches, covered balconies, variations of gable roofs, exposed rafter tails, and decorative light fixtures. The proposed colors feature earth tones with a dark brown and olive green base, and white trim for the windows, beams, balconies, and exposed rafters; and

WHEREAS, Staff believes that the proposed project illustrates the type of high-quality residential architecture promoted by City's Development Code, which is exemplified through the use of: [1] articulation in building footprints, incorporating horizontal changes in the in the exterior building walls (combinations of recessed and popped-out wall areas); [2] articulation in the building parapet and roof lines, which serves to accentuate the building's entries and openings, and breaks up large expanses of building wall; [3] variations in building massing; [4] a mix of exterior materials, finishes and fixtures; and [5] incorporation of base and top treatments defined by the layering of design elements, including horizontal changes in the exterior wall plane, and changes in exterior color (use of color blocking) and materials; and

WHEREAS, the project provides substantial landscaping along the B Street, Vine Avenue, and alley frontages, throughout the off-street parking areas, and throughout the stormwater retention areas, for an overall landscape coverage of approximately 34 percent; and

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

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

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

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

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

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

WHEREAS, on May 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. [insert DAB Decision #] recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

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

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

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been

established to ensure that: [i] the purposes of the Bungalows on Vine PUD are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Bungalows on Vine PUD.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code and Bungalows on Vine PUD that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (multiple-family residential housing). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Bungalows on Vine PUD.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-011
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: May 21, 2018

File No: PDEV17-011

Related Files: PUD17-004

Project Description: A Development Plan to construct an 8-unit apartment project on 0.29 acres of land, located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district (APNs: 1048-572-13 and 1048-572-11); **submitted by AB Holdings, LLC.**

Prepared By: Jeanie Irene Aguilo, Assistant Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

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

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

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

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

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

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

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

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

2.6 Storage Spaces.

(a) Storage Spaces. Pursuant to the requirements of Development Code Table 6.01-3 (Multiple-Family Residential Development Standards), each dwelling unit shall be provided with a minimum of 240 cubic feet of private storage space. The storage space lockable, and shall be provided within a garage/carport or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.

2.7 Site Lighting.

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

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

(c) Exterior light fixtures should use color-correct luminaires such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

(d) Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls, shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 12 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

(e) The design of all light fixtures, including security lighting, pedestrian-level lighting, and building lighting fixtures, poles and bracketry, shall be enhanced so as to be compatible and consistent with the California Craftsman architectural theme of the project. The final design and placement of lighting fixtures, poles and bracketry, shall be subject to Planning Director approval.

2.8 Mechanical and Rooftop Equipment.

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

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

2.9 Gutters, Vents, and Downspouts. Gutters, vents, and downspouts shall be concealed from public view to the extent possible. Exposed gutters and downspouts, where necessary, shall be colored to match the fascia or wall material to which they are attached. Roof vents shall be colored to match the roof material or the dominant trim color of the structure, as appropriate.

2.10 Exterior Building Colors.

(a) Building exteriors shall incorporate colors that are of compatible hues and intensities. Color schemes shall tie building elements together, relate separate buildings within the development, and enhance the architectural form of each building.

(b) The final exterior building colors shall be subject to review and approval by the Planning Director. The final review and approval of paint colors shall require a color test prior to painting buildings.

(c) All building mechanical equipment and appurtenances, including, but not limited to, meters, flues, vents, gutters, and utilities, shall match or complement the color of the surface in which they are attached or project.

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

2.12 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

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

2.14 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that this tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

2.15 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

- (i)** The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- (ii)** The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- (iii)** The project site has no value as habitat for endangered, rare, or threatened species;
- (iv)** Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (v)** The Project site can be adequately served by all required utilities and public services.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

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

2.17 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

2.18 Additional Requirements.

(a) A lot line adjustment shall be required to consolidate the two parcels.

(b) Development Plan approval shall not be final and conclusive until such time that File No. PUD17-004 (Bungalows on Vine Planned Unit Development) has been approved and enacted by action of the City Council of the City of Ontario.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani , Development Director
Scott Murphy, Planning Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang , IT Department
David Simpson , Development/IT (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: September 14, 2017

SUBJECT: FILE #: PDEV17-011 Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, September 28, 2017**.

PROJECT DESCRIPTION: A Development Plan to construct 8 multiple-family dwellings on 0.293 acres of land located at 214 North Vine and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district (APNs: 1048-572-13 and 1048-572-11).

The plan does adequately address the departmental concerns at this time.

- No comments
- See previous report for Conditions
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning Carolyn Bell Sr Landscape Architect
10/5/17
Department Signature Title Date

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

PRELIMINARY PLAN CORRECTIONS	
Sign Off	
 Carolyn Bell, Sr. Landscape Planner	10/5/17 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PDEV17-011 Rev 2	Case Planner: Jeanie Irene Aquilo
--------------------------------------	--------------------------------------

Project Name and Location:
8 Plex Apartment
422 W B St. and 214 W Vine St

Applicant/Representative:
Robertson Design Group
PO Box 431
Calimesa, CA 92320

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A Preliminary Landscape Plan (dated 9/14/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval. |

CORRECTIONS REQUIRED

Civil Plans

- Show irrigation, fire and domestic backflow devices and transformers on plan, and dimension a 4' set back from paving.
- Locate light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans

Landscape Plans

- Show utilities on the landscape construction plans. Coordinate with civil so utilities are clear of required tree locations.
- Replace short lived or high maintenance plants: Pennisetum. Consider Sesleria autumnalis, Festuca mairei, Dietes, etc.
- After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections)	\$278.00
Inspection—Field - additional.....	\$83.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-011

Address: 214 N Vine Ave & 422 W B Street

APN: 1048-572-11 & 13

Existing Land Use: Vacant

Proposed Land Use: 8 multi-family residential units

Site Acreage: 0.293 Proposed Structure Height: 24 ft

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 4/18/17

CD No.: 2017-022

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>90 ft</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-022
PALU No.: _____

PROJECT CONDITIONS

New Residential land uses are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

(NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.)



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

FROM: Lora L. Gearhart, Fire Protection Analyst
Fire Department

DATE: March 21, 2017

SUBJECT: PDEV17-011- A Development Plan approval to construct 8 multiple-family dwellings on 0.293 acres of land located at 214 North Vine and 422 West B Street, within the MU1 zoning district (APN(s): 1048-572-13 and 1048-572-11.)

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: V B
- B. Type of Roof Materials: UNK
- C. Ground Floor Area(s): 4968 Sq. Ft.
- D. Number of Stories: 2 stories
- E. Total Square Footage: UNK
- F. 2013 CBC Occupancy Classification(s): R-2

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the

current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on “[Fire Department](#)” and then on “[Standards and Forms.](#)”

- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See [Standard #B-004](#).
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See [Standards #B-003, B-004 and H-001](#).

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1500 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13D/13R. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150’) of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per [Standard #D-007](#). Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 Portable fire extinguishers are required to be installed prior to occupancy per [Standard #C-001](#). Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Aguilo, Planning Department

FROM: Douglas Sorel, Police Department

DATE: April 11, 2017

SUBJECT: PDEV17-011 – A DEVELOPMENT PLAN TO CONSTRUCT AN 8 UNIT APARTMENT COMPLEX AT 214 NORTH VINE AND 422 WEST B STREET

The “Standard Conditions of Approval” contained in Resolution No. 2010-021 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below.

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.
- Stairwells shall be constructed so as to either allow for visibility through the stairwell risers or to prohibit public access to the areas behind stairwells.
- The development shall participate in the Crime-Free Multi Housing program offered by the Ontario Police Department COPS Division.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: "Vacant", Development Director
Scott Murphy, Planning Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang, IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: March 08, 2017

SUBJECT: FILE #: PDEV17-011

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, March 22, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan approval to construct 8 multiple-family dwellings on 0.293 acres of land located at 214 North Vine and 422 West B Street, within the MU1 zoning district (APN(s): 1048-572-13 and 1048-572-11.

The plan does adequately address the departmental concerns at this time.

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Building

Department

Signature

Title

Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 15, 2017
SUBJECT: PDEV17-011

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO MEMORANDUM

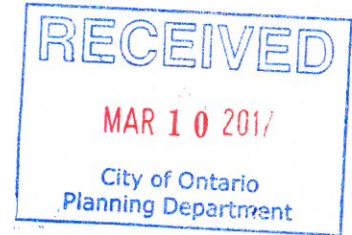
TO: "Vacant", Development Director
 Scott Murphy, Planning Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director
 Jimmy Chang, IT Department
 David Simpson, Development/IT (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: March 08, 2017

SUBJECT: FILE #: PDEV17-011

Finance Acct#:

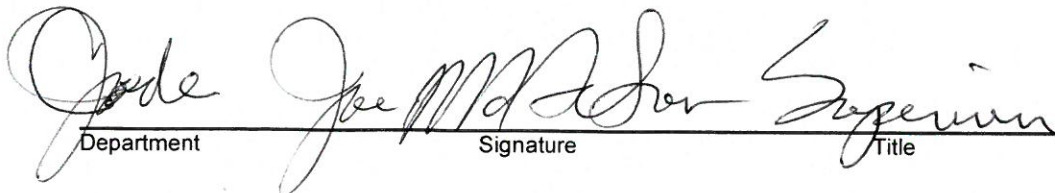


The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, March 22, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan approval to construct 8 multiple-family dwellings on 0.293 acres of land located at 214 North Vine and 422 West B Street, within the MU1 zoning district (APN(s): 1048-572-13 and 1048-572-11).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.


 Department _____ Signature _____ Title _____ Date 3/9/17



**PLANNING COMMISSION
STAFF REPORT**
May 22, 2018

SUBJECT: A Tentative Parcel Map (File No. PMTT17-012 / PM 19910) to subdivide 0.52 acre of land into three lots located at 419 East Maitland Street, within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 DU/Acre) zoning district. (APN: 1049-343-16); **submitted by CRC Investments, LLC.**

PROPERTY OWNER: CRC Investments, LLC

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT17-012, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 0.52 acres of land located at 419 East Maitland Street, within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 DU/Acre) zoning district, and is depicted in Figure 1: Project Location, below. The property surrounding the Project site is characterized by residential land uses to the north, south, east, and west. The existing surrounding land uses, zoning and general plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table included in the Technical Appendix of this report.

PROJECT ANALYSIS:

[1] Background — On October 13, 2017, CRC Investments, LLC (“Applicant”), submitted a Tentative Parcel Map (PM 19910) to subdivide 0.52-acre project site into three lots for future development with single-family dwellings. All necessary site improvements will be provided at the time of development of each individual lot.

[2] Site Design/Layout — The Project site is proposed to be subdivided into

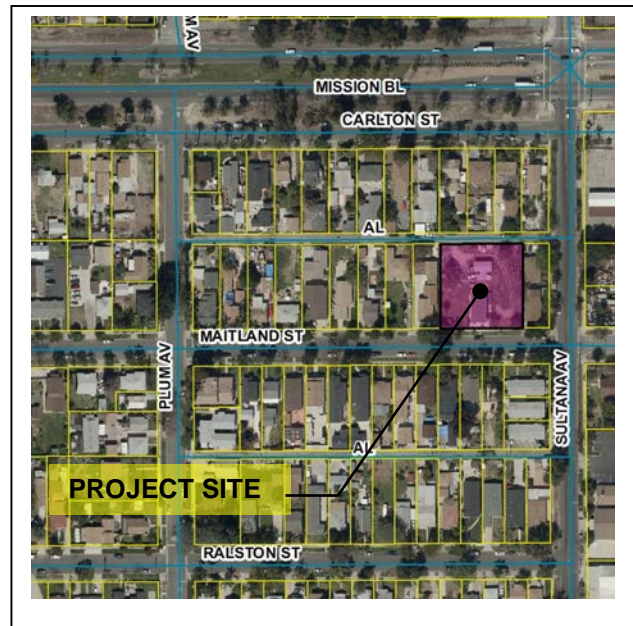


Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	05/07/2018	Approved	Recommend
Submittal Date:	10/13/2017	ZA			
Hearing Deadline:		PC	05/22/2018		Final
		CC			

three 0.17-acre (7,629 square feet) lots. The proposed lot areas exceed the minimum 5,000-square foot lot size required by the MDR-11 (Low-Medium Density Residential) zoning district (see Exhibit B: Tentative Parcel Map).

[3] Site Access/Circulation — Access to each lot may be taken from either Maitland Street or a public alley at the rear of each lot. Maitland Street is fully improved with a curb, gutter, parkway and a sidewalk.

[4] Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of vegetated swales, which lead to underground stormwater infiltration systems installed for the project. Any overflow drainage will be conveyed to the public street by way of parkway culverts.

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

[1] City Council Goals.

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

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

- G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

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

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

Housing Element:

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

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

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

Community Economics Element:

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

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

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

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

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

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

Community Design Element:

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

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

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

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

- Building volume, massing, and height to provide appropriate scale and proportion;

- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and

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

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

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

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

- Goal 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.

- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no

variance or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within 2 years, and the parcel does not have an average slope greater than 20 percent.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Single Family Residential	LMDR (Low-Medium Density Residential)	MDR11 (Medium Density Residential – 5.1 to 11.0 DU/Acre)	N/A
<i>North</i>	Single Family Residential	LMDR (Low-Medium Density Residential)	MDR11	N/A
<i>South</i>	Single Family Residential	LMDR (Low-Medium Density Residential)	MDR11	N/A
<i>East</i>	Single Family Residential	LMDR (Low-Medium Density Residential)	MDR11	N/A
<i>West</i>	Single Family Residential	LMDR (Low-Medium Density Residential)	MDR11	N/A

General Site Statistics

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Project area (in acres):</i>	0.11 Acres	0.17 Acres	Y
<i>Minimum lot size (in SF):</i>	5,000 SF	7,269 SF	Y
<i>Minimum lot depth (in FT):</i>	152.58 FT	50 FT	Y
<i>Minimum lot width (in FT):</i>	50 FT	50 FT	Y

Exhibit A—PROJECT LOCATION MAP

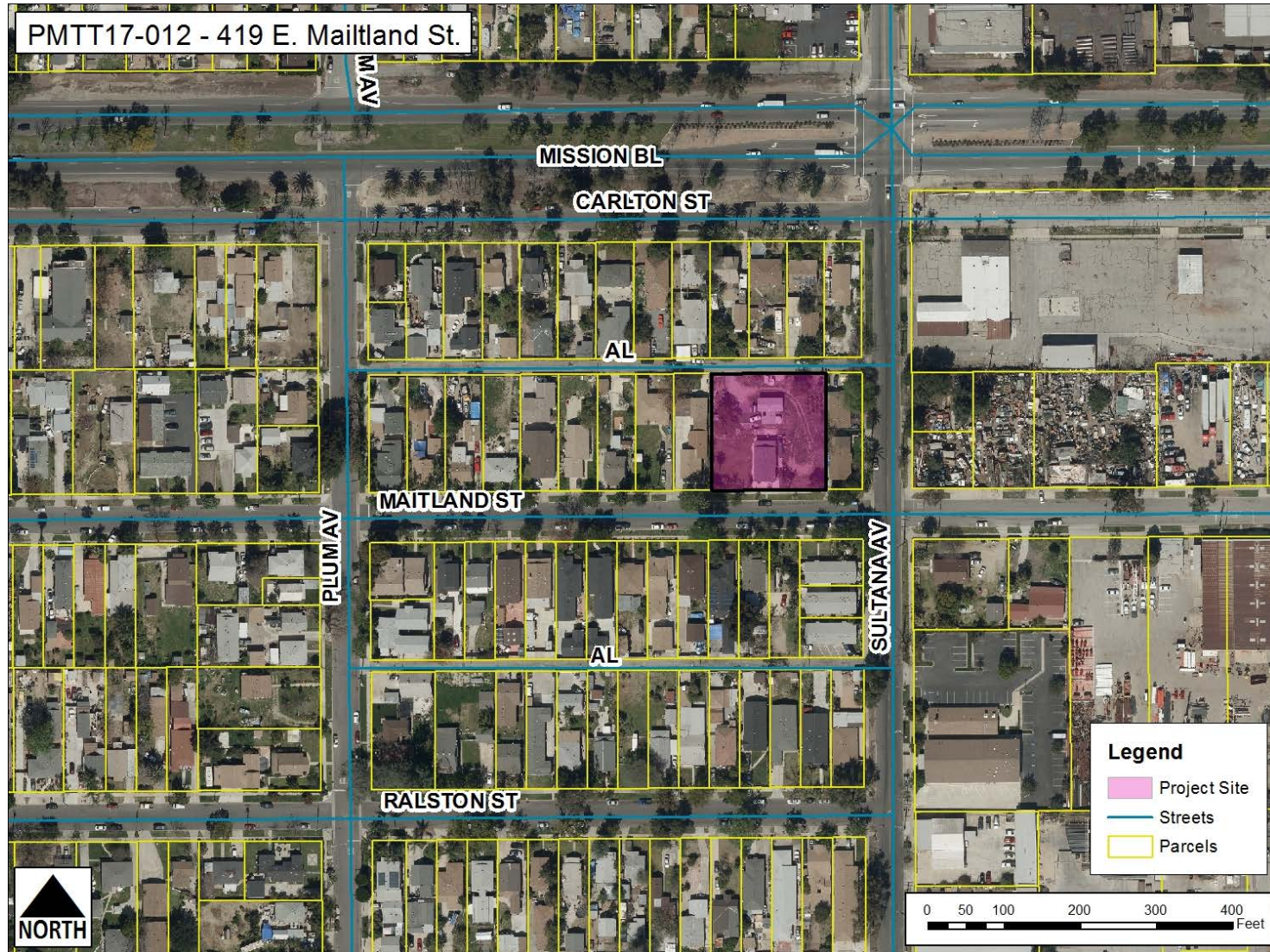
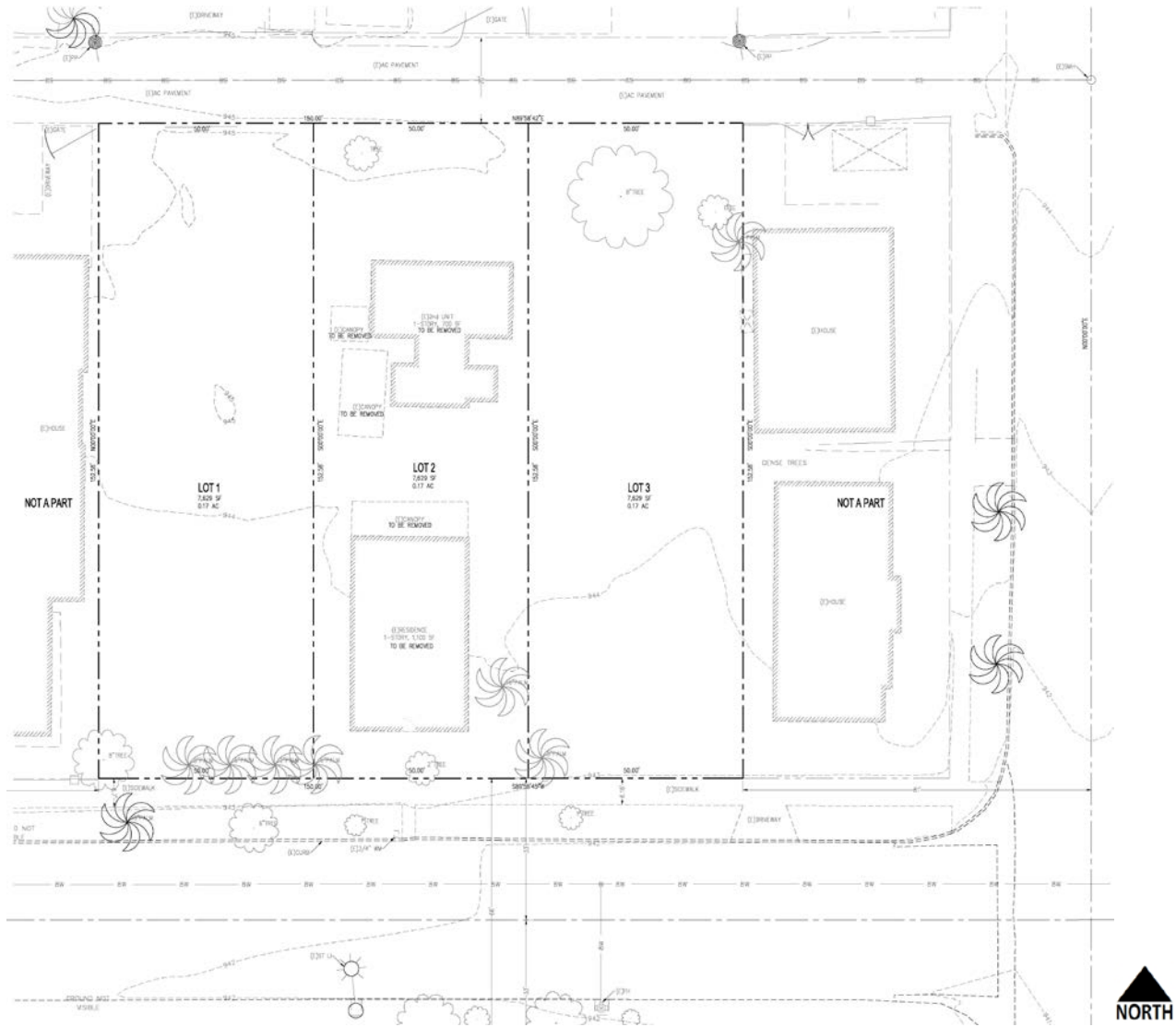


Exhibit B—TENTATIVE PARCEL MAP



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-012, A TENTATIVE PARCEL MAP (PM 19910) TO SUBDIVIDE 0.52 ACRE OF LAND INTO THREE LOTS LOCATED AT 419 EAST MAITLAND STREET, WITHIN THE MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1 TO 11.0 DU/ACRE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-343-16.

WHEREAS, CRC INVESTMENTS, LLC ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT17-012, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.52 acres of land generally located 419 East Maitland Street, within the LMDR (Low-Medium Density Residential), and is presently improved with a single-family residential dwelling; and

WHEREAS, the properties to the north, south, east and west of the Project site are all within the MDR11 (Medium Density Residential) zoning district, and are developed with single-family dwellings; and

WHEREAS, the Project site is proposed to be subdivided into three 0.17-acre (7,629 square feet) lots. The proposed lot areas exceed the minimum 5,000-square foot lot size required by the MDR-11 (Low-Medium Density Residential) zoning district; and

WHEREAS, access to each lot may be taken from either Maitland Street or a public alley at the rear of each lot. Maitland Street is fully improved with a curb, gutter, parkway and a sidewalk; and

WHEREAS, Public utilities (water and sewer) are available to serve the project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of vegetated swales, which lead to underground stormwater infiltration systems installed for the project. Any overflow drainage will be conveyed to the public street by way of parkway culverts; and

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

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

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

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

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

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

WHEREAS, on May 7, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. [insert DAB Decision #] recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variance or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within 2 years, and the parcel does not have an average slope greater than 20 percent.

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the LMDR (Low-Medium Density Residential) land use district of the Policy Plan Land Use Map, and the MDR-11 (Medium Density Residential) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract/Parcel Map is located within the LMDR (Low-Medium Density Residential) land use district of the Policy Plan Land Use Map, and the MDR-11 (Medium Density Residential) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces,

streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.***

The project site meets the minimum lot area and dimensions of the MDR-11 (Medium Density Residential) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at a density of 5.1 - 11 DUs/acre. The project site meets the minimum lot area and dimensions of the MDR-11 (Medium Density Residential) zoning district, and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the overall right-of-way improvements existing or proposed on the project

site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT17-012
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: May 22, 2018

File No: PMTT17-012

Project Description: A Tentative Parcel Map (PM 19910) to subdivide 0.52 acre of land into three lots, located at 419 East Maitland Street, within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 DU/Acre) zoning district (APN: 1049-343-16); **submitted by CRC Investments, LLC.**

Prepared By: Jeanie Irene Aguilo, Assistant Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Tentative Parcel Map approval shall become null and void two-years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

(a) The Final Parcel Map shall be in conformance with the approved Tentative Parcel Map on file with the City. Variations from the approved Tentative Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Parcel Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period

provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

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

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

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

2.4 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that this tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

2.5 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variance or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within 2 years, and the parcel does not have an average slope greater than 20 percent.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

2.6 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.7 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PM-19910</u> RELATED FILE NO(S). <u>PMTT17-012</u>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> </u> / <u> </u> / <u> </u>		

CITY PROJECT ENGINEER & PHONE NO: Antonio Alejos (909) 395-2384

CITY PROJECT PLANNER & PHONE NO: Jeanie Aguilo (909) 395-2418

DAB MEETING DATE: May 7th, 2018

PROJECT NAME / DESCRIPTION: PM-19910, a Parcel Map to subdivide
0.52 acre of land into 3 lots.

LOCATION: 419 East Maitland Street

APPLICANT: CRC Investments

REVIEWED BY: *[Signature]*
Bryan Lirley, P.E.
Principal Engineer

4/23/18
Date

APPROVED BY: *[Signature]*
Khoi Do, P.E.
Assistant City Engineer

4/24/18
Date



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

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

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

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



- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

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

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

- 2.01 Record Parcel Map No. 19910 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



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

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

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

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

_____ feet on _____

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

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

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

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



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



B. PUBLIC IMPROVEMENTS

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

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

Improvement	Maitland St	Alley	Street 3	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> Replace Damaged in Kind <input type="checkbox"/> Remove and replace	<input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen _____ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen _____ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen _____ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen _____ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> New Lateral w/ Cleanout (One Per Lot)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> New Service w/ Water Meter (One Per Lot)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service



Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	<input checked="" type="checkbox"/> Remove Concrete Walkway within Landscape Area in ROW			
Other Improvements				

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

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.



2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.

2.22 Other conditions: _____

C. SEWER

2.23 **An 8-inch sewer main is available for connection by this project in Alley.**
(Ref: Sewer plan bar code: S10312)

2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.

2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.

2.26 Other conditions: _____

D. WATER

2.27 **An 8-inch domestic water main is available for connection by this project in Maitland Street.**
(Ref: Water plan bar code: Unknown)

2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.

2.29 Other conditions: _____

E. RECYCLED WATER

2.30 A _____ inch recycled water main is available for connection by this project in _____.
(Ref: Recycled Water plan bar code: _____)

2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.

2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.

2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.

2.34 Other conditions: _____



F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:

 - 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer

- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: _____

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.

(Ref: Storm Drain plan bar code: _____)

- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 **An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.**
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions: _____

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels. If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted. Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**



2.46 Other conditions: _____

J. SPECIAL DISTRICTS

2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.

2.48 Other conditions: _____

K. FIBER OPTIC

2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located _____, see Fiber Optic Exhibit herein.

2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>

2.52 Other conditions: _____



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

- 3.01 **Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.**

- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.

- 3.03 **The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.**

- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.

- 3.05 **Confirm payment of all Development Impact Fees (DIF) to the Building Department.**

- 3.06 **Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: Parcel Map No. PM-19910

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

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



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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT17-012
 Address: 419 East Maitland Street
 APN: 1049-343-16
 Existing Land Use: Residential
 Proposed Land Use: Subdivide 0.52 acres into 3 lots for single family residential homes
 Site Acreage: 0.52 Proposed Structure Height: 19 ft
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Jeanie Aguilo
 Date: 12/11/17
 CD No.: 2017-077
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input checked="" type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input checked="" type="checkbox"/> Zone 4		Allowable Height: 110 ft	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT per ALUCP Policies SP2 and SP3c provided the following conditions are met:

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-077
PALU No.: _____

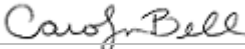
PROJECT CONDITIONS

1. New Residential structures must incorporate exterior-to-interior noise level reduction (NLR) design features and be capable of attenuating exterior noise to 45 dB interior noise level, acoustical data documenting that the structure will be designed to comply with the criteria must be provided.

2. New Residential land uses are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

(NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.)

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
	11/7/17
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PMTT17-012	Related Files:	Case Planner: Jeanie Irene Aguilo
--------------------------------	----------------	--------------------------------------

Project Name and Location:
Parcel Map for Three Homes
419 East Maitland

Applicant/Representative:
CRC Investments Abel Alcazar
10256 Coralwood Ct
Alta Loma, CA 91737

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A Tentative Tract Map (dated 10/16/17) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A Tentative Tract Map (dated) has not been approved. Corrections noted below are required prior to DAB approval. |

CORRECTIONS REQUIRED

- Note on grading plans compaction shall be no greater than 85% at landscape areas; all finished grades at 1 ½" below finished surfaces, all landscaped slopes shall be max 3:1 and incorporate erosion control jute mesh or erosion control blankets.
- Revise driveway Lot 2, shall be max. 16' wide with 3' wide wings on each side if 6" high curbs and 4' wide wings if 8" high curbs.
- Utility meters shall be located in front of the side yard fence and close to the building corner where possible with landscape screening; AC units shall be located in side yards away from windows; trash storage area shall be behind gate and accessible by a concrete walkway. All utilities including vaults and transformers shall be shown on the landscape plans so that hardscape and fencing may be modified and landscape screening provided.
- Typical lot drainage shall include a catch basin with gravel sump below each before exiting property, if no other water quality infiltration is provided.
- Show vine pockets or narrow planter between concrete walk between fence and house.
- Change vinyl fences to block walls per Planning Dept. standards.
- After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council.

Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections)	<u>\$278.00</u>
Total.....	\$1509.00

Once items are complete you may email an electronic set to:

landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Bureau of Fire Prevention

DATE: October 31, 2017

SUBJECT: PMTT17-012 - A Tentative Tract Map to subdivide 0.52 acres into 3 lots single family residential lots within the MDR11 zoning district, located at 419 East Maitland Street. APN 1049-343-16.

- The plan **does** adequately address Fire Department requirements at this time.
 - No comments.
-

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Irene Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: October 18, 2017
SUBJECT: PMTT17-012

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Assistant Development Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Paul Ehrman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Supervising Code Enforcement Officer
 Jimmy Chang, IT Department
 David Simpson, IT Department (Copy of memo only)

Police

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: October 18, 2017

SUBJECT: FILE #: PMTT17-012 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, November 1, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A tentative Tract Map to subdivide 0.52 acres into 3 lots single family residential lots within the MDR11 land use zone, located at 419 East Maitland Street. APN 1049-343-16

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

POLICE Department
 Douglas Sorel Signature
 MANAGER ANALYST Title
 11/9/17 Date



CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Assistant Development Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
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 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Supervising Code Enforcement Officer
 Jimmy Chang, IT Department
 David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: October 18, 2017

SUBJECT: FILE #: PMTT17-012

Finance Acct#:



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, November 1, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
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PROJECT DESCRIPTION: A tentative Tract Map to subdivide 0.52 acres into 3 lots single family residential lots within the MDR11 land use zone, located at 419 East Maitland Street. APN 1049-343-16

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Code Joe De Sousa Supervising 10/19/17
 Department Signature Title Date



PLANNING COMMISSION STAFF REPORT

May 22, 2018

SUBJECT: A Tentative Parcel Map (File No. PMTT17-017/PM 19919) to consolidate 30-lots into 1-parcel in conjunction with a Development Plan (File No. PDEV13-029) to add 35,368 square feet to an existing 30,124 square foot industrial building for property on 4.9 acres of land, located at 617 E. Sunkist Street within the IL (Light Industrial) zoning district (APN: 1049-232-21); **Submitted by Agrigold Joint Venture.**

PROPERTY OWNER: Agrigold Joint Venture

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PDEV13-029 and PMTT17-017 (PM 19919), pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 4.9 acres of land located at 617 E. Sunkist Street, within the IL (Light Industrial) zoning district, and is depicted in Figure 1: Project Location, below. The project site is currently developed with a 30,124 square foot engineered metal industrial building and a 73' tall telecommunication monopine tower. Property located to the north of the project site is zoned IL (Light Industrial), and is developed with industrial buildings and single family homes. Property located to the south is zoned IL (Light Industrial), and is developed with an industrial building. Property located to the east is zoned IG (General Industrial), and is developed with vacant land and single family homes. Property located to the west is zoned IL (Light Industrial) and IG (General Industrial), and is developed with a Southern Pacific Railroad spur and single family homes.

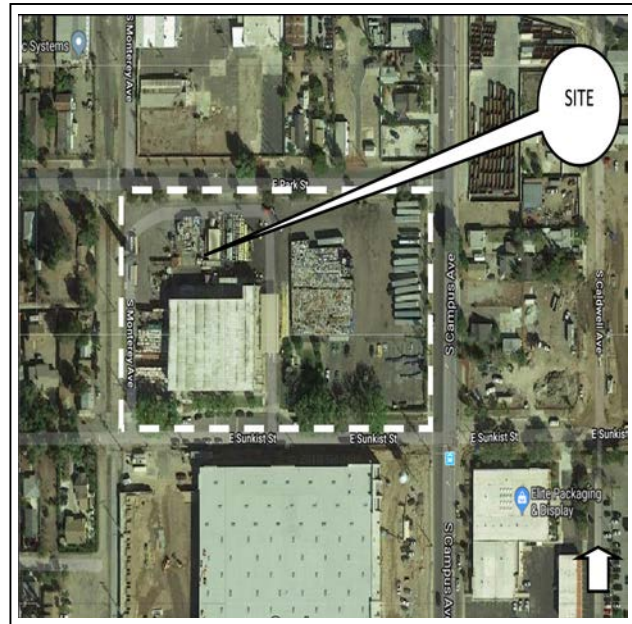


Figure 1: Project Location

Case Planner:	Luis E. Batres	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	5-7-18	Approved	Recommend
Submittal Date:	11/6/13 & 11/20/17	ZA			
Hearing Deadline:	9/20/18	PC	5-22-18		Final
		CC			

PROJECT ANALYSIS:

[1] Background — On November 22, 2017, Agrigold Joint Venture (“Applicant”) submitted an application for a Development Plan to add 35,368 square feet to an existing 30,124 square foot industrial building. Subsequently, on July 25, 2017, the applicant submitted a Tentative Parcel Map (File No. PMTT17-017/PM 19919) application to consolidate thirty (30) existing separate lots on the site, into one legal parcel. On May 7, 2018, the Development Advisory Board recommended approval of the applications to the Planning Commission.

[2] Development Plan — The applicant is requesting approval of a Development Plan to add 35,368 square feet to an existing 30,124 square foot industrial building on 4.9 acres, at 617 E. Sunkist Street. As part of this application, the applicant is also requesting approval of a Tentative Parcel Map (File No. PMTT17-017/PM 19919) to consolidate thirty (30) existing separate lots on the site, into one legal parcel.

The proposed addition will be located along the west and north portions of the existing cold storage industrial building. Other site improvements included as part of the proposed addition include the following:

- A new dock well for six trucks will be located along the northeast portion of the new addition.
- New 8'-tall decorative screen walls to screen the existing truck yard will be provided along the north, east and south portions of the truck yard area.
- Abandonment and infill of four (4) existing driveways along Park Street.
- Incorporation of new decorative concrete paving on three existing driveways along the Sunkist Street frontage.
- A new trash enclosure, to be located along the northwest portion of the parking lot; and
- The widening of three (3) existing driveways along Sunkist Street, to meet City standards.

The new building addition will be setback 36-feet along the west property line, a 10-feet along the north property line, and 286-feet along the east property line and 33-feet along the south property line. The proposed setbacks are in compliance with the Development Code development regulations and standards for the IL (Light Industrial) zone. Eight foot tall screen walls are proposed along the north, east and south portions of the truck yard to minimize public visibility of the loading area and designated outdoor storage area (**see Exhibit B: Site Plan**).

The proposed addition will be utilized primarily for the warehousing and storage of cold food products, however, a small 10' by 10' office will be provided along the southeast corner of the addition. The office will be utilized by the warehouse manager. The general administrative offices for the site will continue to be located along the north side of the

existing building (**see Exhibit C: Floor Plan**). No improvements or modifications are proposed to the existing telecommunication facility on the site.

[3] Site Access/Circulation — Access to the project site will be provide through three existing driveways on Sunkist Street. To improve circulation and safety around the project area, as part of the proposed site improvements, four (4) existing driveways along Park Street will be abandoned. The driveway areas will be improved with new curbs, gutters, landscape parkways and sidewalks. Primary truck access will be available through the center driveway on Sunkist Street. Access to employee and visitor parking will be provided through the easterly driveway on Sunkist Street. The driveway along the western portion of Sunkist Street will provide access to the existing 73' tall T-Mobile telecommunication facility and will also be used for the regular maintenance and upkeep of the proposed addition. The truck yard area has been carefully designed to provide adequate truck and Fire Department access and turn-around space.

[4] Parking — Consistent with the Ontario Development parking requirements, the proposed 35,368 square foot addition will require 28 parking spaces and two trailer parking spaces. As a result, a total of 53 parking spaces and 2 trailer parking spaces will be required for the entire site. The project will provide a total of 54 parking spaces and two trailer spaces, therefore, no parking issues are anticipated.

[5] Architecture — The proposed design of the building addition will be consistent in style to the existing pre-engineered steel building. The building height of the proposed addition is 32-feet 8-inches, which is lower than the 44 foot height of the existing building. The addition will feature a white exterior insulated metal wall panel system to match the existing building. To enhance the exterior appearance of the new addition, small windows with decorative metal awnings and a 4-foot tall split face block wainscot base treatment along the base of the building will be incorporated along the north elevation and portions of the west elevation. The proposed split face veneer will match the proposed new screen walls. In addition, to help soften the vertical massing of the new addition elevations, a 4-foot tall paint stripe will incorporated along the upper portion of the building exterior walls (**see Exhibits D & E Elevations**). Subsequently, conditions of approval have been added to the project to provide two additional windows (with decorative awnings) along the south elevation and to double the height of all windows proposed to be more in scale with the horizontal and vertical massing of the building. If vision glass is not desired for the windows by the applicant, spandrel glass will be acceptable.

[6] Landscaping —The project will provide a 10' landscape setback along Park Street, a 22' landscape setback along Campus Avenue, a 20' landscape setback (average) along Sunkist Street (10' minimum), and a 5' landscape setback along the west property line. In addition, landscaping will also be provided within the interior parking lot areas. In addition, all existing mature Camphor trees along the projects street frontages will remain.

The proposed landscape pallet for the project incorporates a combination of 24", 36" and 48" box sized accent and shade trees that includes Coast Live Oak, Holly Oak, Brisbane Box and Chinese Elm trees. Within the parking lot areas of the site, Brisbane Box trees will be planted. In addition, a variety of shrubs and groundcovers are proposed within the landscaped planter areas. All entryways will also be improved with decorative concrete paving to enhance the project site (**see Exhibit F: Landscape Plan**).

[7] Utilities (drainage, sewer) — Public utilities are available to serve the project. However, the project will be required to provide the following infrastructure improvements:

- Obtain approval from IEUA for relocation, adjustment, or connection to existing sewer/brine line manholes located at the southeast corner of the property and northwest corner of Campus Avenue and Sunkist Street;
- Pay all Development Impact Fees (DIF);
- Remove existing curb and replace with new curb and gutter along the Park Street frontage;
- Replace damage areas due to construction and utilities on Campus Street;
- Remove existing curb and replace with new curb and gutter along Sunkist Street frontage, where only curb exists;
- On Park Street, slurry seal pavement from street centerline to new gutter line;
- On Campus, Sunkist and Park Street, remove and replace sidewalks;
- Install new fire hydrant on Campus and Sunkist Street and relocate existing fire hydrant on Park Street;
- Install new street lights on Campus, Sunkist and Park Street;
- Pay in-lieu fees for undergrounding of overhead utilities on Campus Street; and
- Submit a Water Quality Management Plan (WQMP) for approval, prior to approval of any grading plan.

[8] Tentative Parcel Map — In conjunction with the Development Plan application, a Tentative Parcel Map has been submitted to consolidate thirty (30) existing lots into one legal parcel. The multiple lots are an existing legal non-conforming condition. Since the applicant is requesting approval of a Development Plan (File No. PDEV13-029) to add 35,368 square feet to an existing 30,124 square foot industrial building, this is the best time to consolidate the parcels. Also, the City does not permit buildings/additions to cross property lines.

The minimum parcel size required for the IL (Light Industrial) zone is 10,000 square feet, the proposed parcel size is 217,750 square feet (4.9 acres). Therefore, the proposed subdivision is in compliance with the minimum parcel size requirements of the IL zone (**see Exhibit G: Tentative Parcel Map**).

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan

(General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-6 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.
- Goal LU2: Compatibility between a wide range of uses.

- Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
 - CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.
 - CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.
 - CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
 - CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.
 - S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.
 - S4-4 Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.
 - S4-5 Road Design. We design streets and highways to minimize noise impacts.

Community Design Element:

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

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

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

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

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

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

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

- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

- CD2-13 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.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

▪ Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) & Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of:

- The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality;
- The Project site can be adequately served by all required utilities and public services;
- The division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning;
- No variances or exceptions are required;
- All services and access to the proposed parcels to local standards are available;
- The parcel was not involved in a division of a larger parcel within the previous 2 years; and
- The parcel does not have an average slope greater than 20 percent.

CONDITIONS OF APPROVAL: See attached department reports.

Exhibit B—SITE PLAN

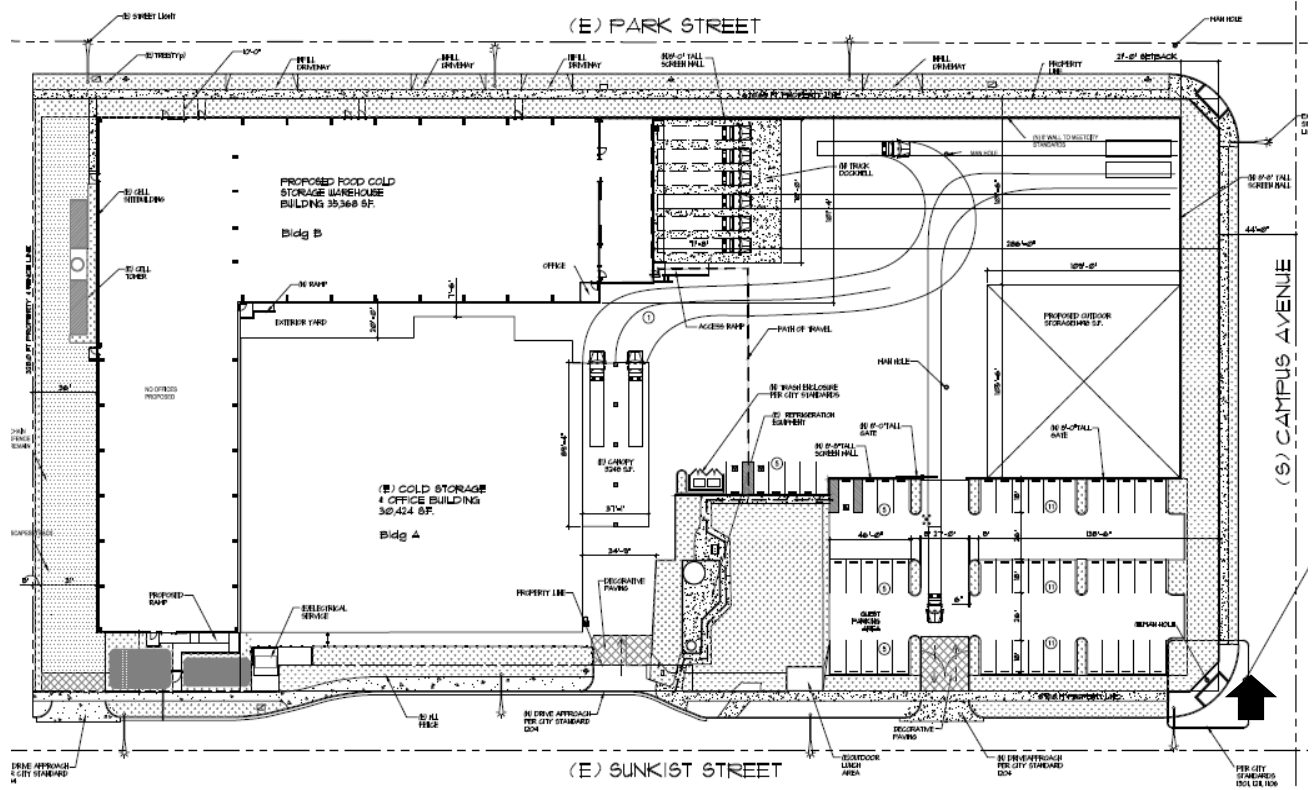
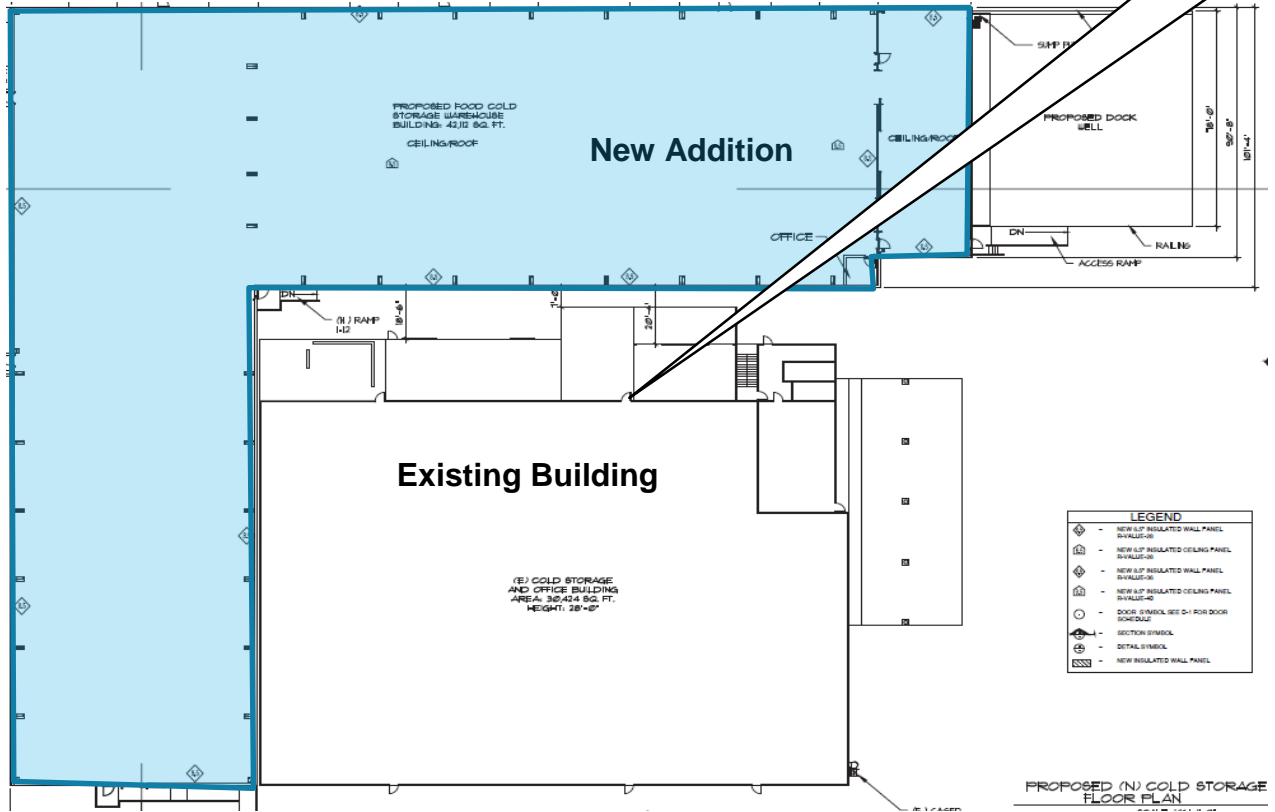
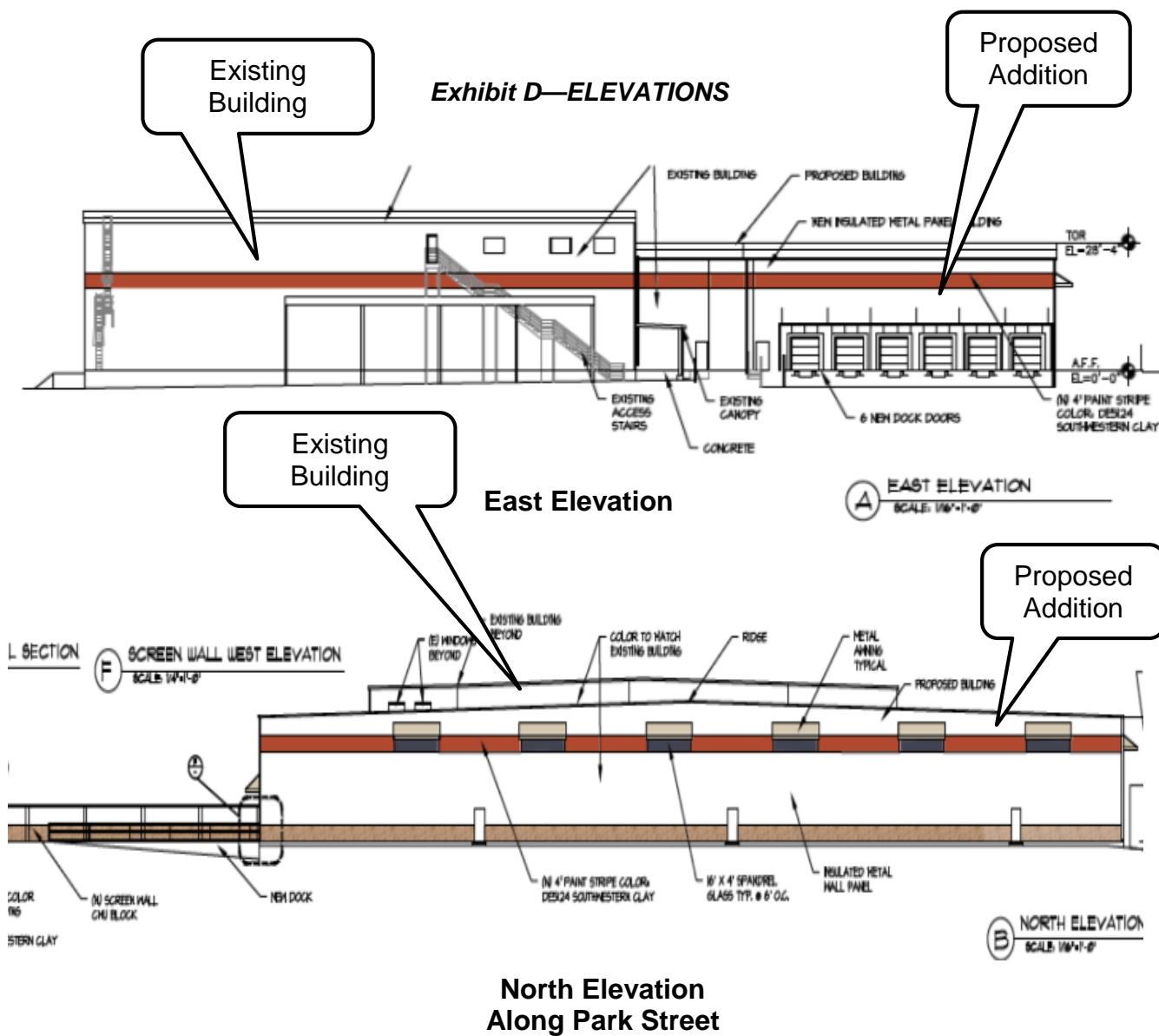


Exhibit C—FLOOR PLAN

Building Entrance





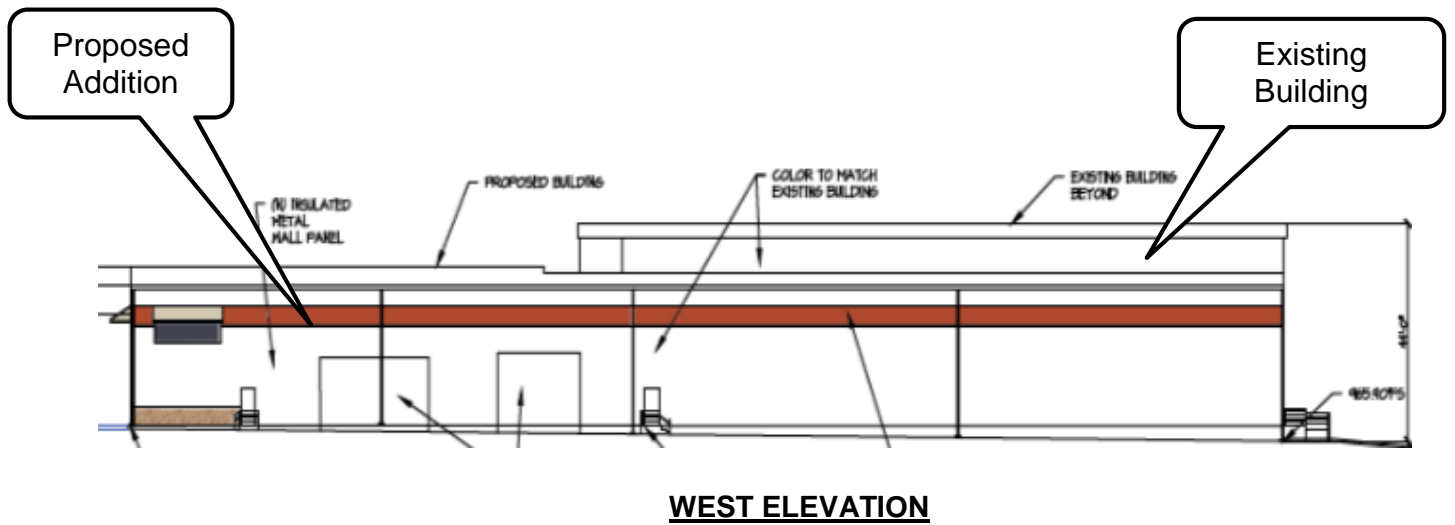
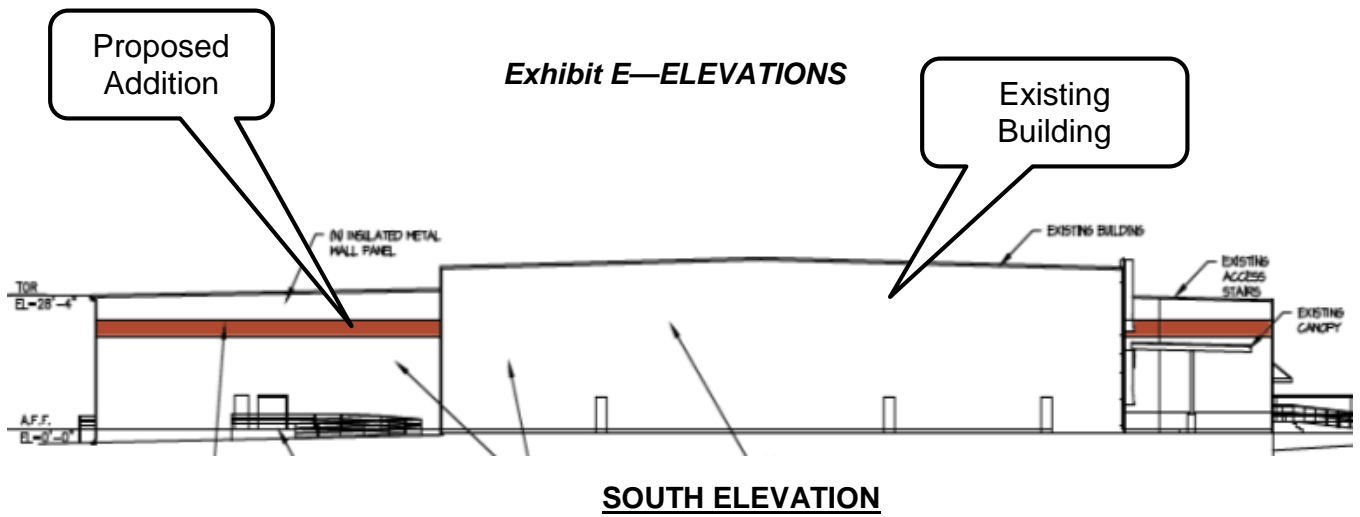
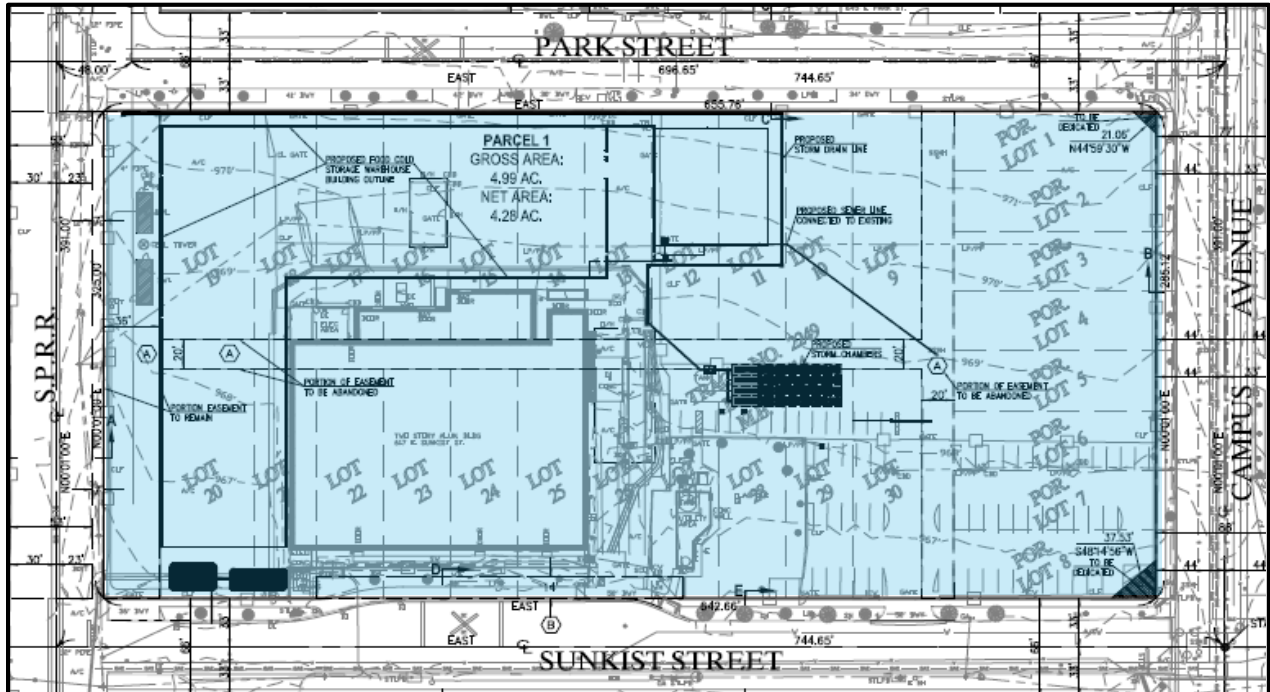


Exhibit G—Tentative Parcel Map No. 19919



TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Industrial Warehouse	Industrial	IL (Light Industrial)	n/a
<i>North</i>	Industrial & Single Family Homes	Industrial	IL (Light Industrial)	n/a
<i>South</i>	Industrial Warehouse	Industrial	IL (Light Industrial)	n/a
<i>East</i>	Vacant Land & Single Family Home	Industrial	IG (General Industrial)	n/a
<i>West</i>	Railroad Spur & Single Family Homes	Industrial & Business Park	IL (Light Industrial) & IG (General Industrial)	n/a

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area Sq. Ft.</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>New Addition</i>	35,368	1 per 1,000 for first 20,000 GFA and 0.5 per 1,000 for building GFA greater than 20,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA (Gross Floor Area).	28 & 2 trailer parking spaces	28 & 2 trailer parking spaces
<i>Existing Building</i>	30,124	1 per 1,000 for first 20,000 GFA and 0.5 per 1,000 for building GFA greater than 20,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" when those uses exceed 10% of building GFA (Gross Floor Area).	25	26
TOTAL	65,492		53	54

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	4.9 acres	10,000 (Min.)	Y
<i>Parcel Size:</i>	4.9 acres	10,000 (Min.)	Y
<i>Floor Area Ratio (Parcel 1)</i>	35.10%	0.55 (Max.)	Y
<i>Addition Building Height:</i>	32-feet 8-inches	55 FT (Max.)	Y

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-017 (PM 19919), A TENTATIVE PARCEL MAP TO CONSOLIDATE 30-LOTS INTO 1-PARCEL FOR PROPERTY ON 4.9 ACRES OF LAND, LOCATED AT 617 E. SUNKIST STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-232-21.

WHEREAS, AGRIGOLD JOINT VENTURE ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT17-017 (PM 19919), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the application applies to 4.9 acres of land generally located along the southwest corner of Park Street and Campus Avenue, at 617 E. Sunkist Street within the IL (Light Industrial) zoning district, and is presently improved with a 30,124 square foot industrial building and a 73' tall telecommunication monopine tower; and

WHEREAS, the property to the north of the project site is within the IL (Light Industrial) zoning district, and is developed with Industrial uses and single family homes. The property to the east is within the IG (General Industrial) zoning district, and is developed with single family homes. The property to the south is within the IL (Light Industrial) zoning district, and is developed with an industrial warehouse. The property to the west is within the IL (Light Industrial) & IG (General Industrial) zoning districts, and is developed with a Southern Pacific Railroad spur and single family homes; and

WHEREAS, the minimum parcel size required for the IL (Light Industrial) zone is 10,000 square feet, and the proposed subdivision is proposing a parcel size of 217,750 square feet (4.9 acres). Therefore, the proposed subdivision is in compliance with the minimum parcel size requirements of the IL zone; and

WHEREAS, in conjunction with the Tentative Parcel Map application, a Development Plan (File No. PDEV13-029) application has been submitted to add 35,368 square feet to an existing 30,124 square foot industrial building located on the project site; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the

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

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

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

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

WHEREAS, on May 7, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-024, recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines, which consists of:

- The division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning;
- No variances or exceptions are required;
- All services and access to the proposed parcels to local standards are available;
- The parcel was not involved in a division of a larger parcel within the previous 2 years; and
- The parcel does not have an average slope greater than 20 percent; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3]

Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Parcel Map is located within the Industrial land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the project will promote the City’s policy to “take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods” (Policy CD1-1 *City Identity*).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Parcel Map is located within the Industrial land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will provide “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct (Goal CD2). Furthermore, the project will promote the City’s policy to “collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques” (Policy CD2-7 *Sustainability*).

(3) ***The site is physically suitable for the type of development proposed.***

The project site meets the 10,000 square foot minimum lot area and dimensions of the IL (Light Industrial) zoning district, and is physically suitable for the type of industrial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The proposed subdivision will consolidate 30 existing lots into one 4.9 acres parcel.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for industrial development at a floor area ratio of 35%. The project site meets the minimum lot area and dimensions of the IL (Light Industrial) zoning district, and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the proposed improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable provisions of the City of Ontario Development Code; (c) applicable design guidelines of the City; and (d) applicable Standard Drawings of the City.

SECTION 5: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT17-017 (PM 19919)
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: May 22, 2018
File No: PMTT17-017 (PM 19919)
Related Files: PDEV13-029

Project Description: A Tentative Parcel Map to consolidate 30-lots into 1-parcel for property on 4.9 acres of land, located at 617 E. Sunkist Street within the IL (Light Industrial) zoning district. APN: 1049-232-21; **submitted by Agrigold Joint Venture.**

Prepared By: Luis E. Batres, Senior Planner
Phone: 909.395.2431
Email: Lbatres@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Tentative Parcel Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

(a) The Final Parcel Map shall be in conformance with the approved Tentative Parcel Map on file with the City. Variations from the approved Tentative Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Parcel Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PM19919 and PDEV13-029</u> RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___	

CITY PROJECT ENGINEER & PHONE NO: Naim Khoury, Associate Engineer *NK*
(909) 395-2152

CITY PROJECT PLANNER & PHONE NO: Luis Batres, Senior Planner
(909) 395-2431

DAB MEETING DATE: April 16, 2018

PROJECT NAME / DESCRIPTION: A tentative parcel map and development project to consolidate 30 lots into one lot and add approximately 42,000 S.F. building on 4.9 acres of land within the IL (light industrial) Zone

LOCATION: 617 E. Sunkist Street

APPLICANT: AgriGold Joint Venture

REVIEWED BY: *[Signature]* 3/26/18
Miguel Sotomayor Date
Associate Engineer

APPROVED BY: *[Signature]* 3-27-18
Khoi Do, P.E. Date
Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - a) Property line corner 'cut-back' per City Standard No. 1301 at the northwest corner of Campus Avenue and Sunkist Street and southwest corner of Campus Avenue and Park Street.

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

- 1.03 Restrict vehicular access to the site as follows: _____

- 1.04 Vacate the following easement(s):
 - a) Existing on-site public utility easements (PUE's) within the limits of the previously vacated alleys (Ref. Resolution No. 6950). The applicant/developer shall submit non-interference letters from all affected utility companies for vacating these PUE's.

Note 1: The existing City of Ontario public sewer system within the PUE's shall become private. See item 2.26 for additional details.

Note 2: The existing 36 feet PUE within the previously vacated Monterey Avenue (Ref. Resolution No. 6950) shall remain.

- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.

- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.

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

- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment



processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.

(1) _____

(2) _____

- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

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

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

- 2.01 Record Parcel Map/Tract Map No. 19919 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____



- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA). The applicant shall obtain the necessary approval from IEUA for relocation, adjustment or connection to existing sewer/brine line manholes located at the southeast corner of the property and northwest corner of Campus Avenue and Sunkist Street.**
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
 _____ feet on _____
 Property line corner 'cut-back' required at the intersection of _____
 and _____
- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.



- 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
- 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$111,052.45, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



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

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

Improvement	Campus Street	Sunkist Street	Park Street	PUE (Vacated Monterey Ave)
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace Damaged areas due to construction and utilities <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove existing curb and replace with new curb and gutter along site frontage where only curb exists	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove existing curb and replace with new curb and gutter along the entire site frontage	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> Grind and overlay <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Grind and overlay <input checked="" type="checkbox"/> Slurry seal pavement from street centerline to new gutter line along Park Street frontage	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace replace	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> close all existing driveway approaches	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace replace
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Remove Existing at midblock	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input checked="" type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral/M.H. relocation, as required @ driveway approach	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input checked="" type="checkbox"/> abandon existing unused water Services	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input checked="" type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2.G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes



Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate <input checked="" type="checkbox"/> Pay in-lieu fees for undergrounding	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements (see item 2.09)	<input checked="" type="checkbox"/> Relocation and/or adjustment of IEUA manholes due construction of new curb return.	_____	_____	_____

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

- a) Remove and reconstruct concrete cross gutter and spandrel across Sunkist Street at Campus Avenue from street centerline north.
- b) Close all existing unused driveway approaches with full-height curb and gutter, sidewalk, and landscaped parkway along Park Street. Additionally, the applicant shall be responsible to reconstruct deteriorated and depressed asphalt concrete pavement along all driveway frontages for a minimum width of 5 feet from the new gutter line in accordance with all City standards and to the satisfaction of the City Engineer.
- c) Remove existing curb and construct new curb and gutter along the entire frontage of Park Street per City Standards. The construction of new curb and gutter may result in additional asphalt concrete (AC) grind and overlay in order to meet the minimum street drainage flow.
- d) Slurry seal Park Street from centerline to gutter line along the entire project frontage.
- e) Remove and replace damaged, depressed and uplifted sidewalk areas along the project frontages of Campus Avenue, Sunkist Street and Park Street. The limits of sidewalk removal can be determined during the submittal of improvement plans.

- 2.18 Construct a 2" AC grind and overlay on Sunkist Street. The limits of reconstruction shall be along the entire property frontage, from street centerline to curb/gutter. Reconstruction of the full pavement structural section may be necessary due to the removal of curb only and construction of new curb and gutter.
- 2.19 Reconstruction of the full pavement structural section on _____, per City of Ontario Standard Drawing number 1011, will be required based on the existing pavement condition and final street design. The limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.



- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately 371 feet, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 A 12-inch sewer main is available for connection by this project in Campus Avenue (Ref: Sewer Atlas sheet Nos. K14).
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions:
 - a) All on-site sewer lines shall be private facilities. Currently, there is an existing city of Ontario public sewer system within PUE's which solely serve this site. This sewer system shall become private and the PUE shall be vacated. See item 1.04 for additional details.
 - b) The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact: Michael Birmelin, Environmental Programs Manager at omucenvironmental@ontarioca.gov. Phone: (909) 395-2687.
 - c) Sewer services/laterals shall be constructed and/or relocated outside of existing and proposed driveway approaches.

D. WATER

- 2.27 12-inch and 8-inch water mains are available for connection by this project in Campus Avenue, Sunkist Street and Park street (Ref: Water Atlas Sheet No. K14)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions:
 - a) The existing water main in the PUE within the vacated Monterey Avenue shall be protected. Additionally, no new connections will be permitted to this water main and existing water connections (if any) shall be relocated to adjacent streets.
 - b) Existing public fire hydrant along the project frontages of Campus Avenue, Sunkist Street and Park Street shall be upgraded to the city's current standards.
 - c) The applicant/developer shall install backflow devices on all water services per current standards.
 - d) The applicant/developer shall install DCDA devices for fire services per current standards.



E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____.
 (Ref: Recycled Water plan bar code: _____)
 - 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
 - 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
 - 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.
- Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.
- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 - 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions:
 - a) Applicant/Developer shall be responsible to design and reconstruct the existing curb returns at the southwest corner of Park Street/Campus Avenue and northwest corner of Sunkist Street/Campus Avenue in accordance with City of Ontario Standard Drawing No. 1106. The new radius shall be 40-feet.
 - b) All existing "dustpan" type drive approaches shall be removed and replaced with commercial drive approaches in accordance with City of Ontario Standard Drawing No. 1204. Driveway curb return radii dimensions shall be provided on the site plan.
 - c) Applicant/Developer shall be responsible to relocate/replace the existing street lights on the north side of Sunkist Street to satisfy minimum spacing requirements due to the installation of new lights on the south side.
 - d) Applicant/Developer shall be responsible to relocate/replace any existing street lights, conduits, conductors and handholes along project frontages of Campus Avenue, Sunkist Street and Park Street impacted by new curb return and new driveway construction.
 - e) Applicant/Developer shall replace existing streetlight fixtures with City-approved LED equivalent fixtures; along project frontages of Campus Avenue, Sunkist Street and Park Street. Please refer to the Traffic and Transportation Design Guidelines Section 1.4 Street Light Plans.
 - f) Property frontages along Campus Avenue, Sunkist Street and Park Street shall be signed "No Parking Anytime".



- g) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- h) Gates shall remain open at all times during business hours.
- i) Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting street lighting design to discuss items such as tie-ins to existing or future street light circuits.

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.
 (Ref: Storm Drain plan bar code: _____)
- 2.39 **Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.**
- 2.40 **An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.**
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 **Other conditions:**
 - a) **The applicant/developer shall be responsible to submit a drainage design solution associated with the construction of new curb and gutter and asphalt concrete pavement along Sunkist Street and Park Street to resolve existing drainage (ponding) issues to the satisfaction of the City Engineer.**
 - b) **The applicant/developer shall verify the conditions of four (4) existing curb drain grated inlets along the north side of Sunkist Street including storm drain pipes that traverse diagonally across Sunkist Street just east of the R.R. Tracks and correct any drainage issues associated with this storm drain system. The correction may include but not limited to the following; clean, repair or replace the storm system to the satisfaction of the City Engineer. This item must be field verified by City inspector and/or maintenance personnel prior to submittal of improvement plans.**
 - c) **The applicant/developer shall verify the conditions of two (2) existing curb drain inlets along the south side of Park Street including storm drain pipes that traverse diagonally across the PUE in Monterey Avenue just east of the R.R. Tracks and correct any drainage issues associated with this storm drain system. The correction may include but not limited to the following; clean, repair or replace the storm system to the satisfaction of the City Engineer. This item must be field verified by City inspector and/or maintenance personnel prior to submittal of improvement plans.**

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of



surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.**
- 2.50 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.**
 - a) Project shall be designed and constructed to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole in the Right-of-Way (ROW) and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.
 - b) Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
 - c) Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of the box and come



in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5 foot minimum clearance from existing/proposed utilities.

- d) **Building Entrance (Multi-family and Commercial) - Design and install fiber optic conduit at a minimum depth of 36 inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct.**
- e) **Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.**
- f) **Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.**
- g) **All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way. All hand holes will have 1/4-inch galvanized wire between the hand holes and the gravel it is placed on.**
- h) **Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note "e" above.**
- i) **Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"**
- j) **A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.**
- k) **Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.**
- l) **For additional information please refer to the City's Fiber Optic Master Plan.**
- m) **Submit plans in digital format (PDF).**

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location
at:

<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>



2.52 Other conditions:



- a) The proposed new construction requires a 2-bin trash enclosure that will accommodate 8-CY volume in total (4-CY per bin). Trash enclosures shall be covered with solid roof.
- b) Show all existing and proposed trash enclosures as required on grading plans with dimensions and elevation view.



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

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



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV 13-029 and/or Parcel Map No. 19919

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

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



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

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV13-029, A DEVELOPMENT PLAN TO ADD 35,368 SQUARE FEET TO AN EXISTING 30,124 SQUARE FOOT INDUSTRIAL BUILDING FOR PROPERTY ON 4.9 ACRES OF LAND, LOCATED AT 617 E. SUNKIST STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-232-21.

WHEREAS, AGRIGOLD JOINT VENTURE ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV13-029, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the application applies to 4.9 acres of land generally located along the southwest corner of Park Street and Campus Avenue, at 617 E. Sunkist Street within the IL (Light Industrial) zoning district, and is presently improved with a 30,124 square foot industrial building and a 73' tall telecommunication monopine tower; and

WHEREAS, the property to the north of the Project site is within the IL (Light Industrial) zoning district, and is developed with Industrial uses and single family homes. The property to the east is within the IG (General Industrial) zoning district, and is developed with single family homes. The property to the south is within the IL (Light Industrial) zoning district, and is developed with an industrial warehouse. The property to the west is within the IL (Light Industrial) & IG (General Industrial) zoning districts, and is developed with a Southern Pacific Railroad spur and single family homes; and

WHEREAS, the proposed project is a 35,368 sq. ft. industrial addition to an existing 30,124 sq. ft. industrial building. The new building addition will be setback 36-feet along the west property line, a 10-feet along the north property line, and 286-feet along the east property line and 33-feet along the south property line. The proposed setbacks are in compliance with the Development Code development regulations and standards for the IL (Light Industrial) zone; and

WHEREAS, other site improvements included, as part of the proposed new addition are the following:

- A new dock well for six trucks will be located along the northeast portion of the new addition.
- New 8'-tall decorative screen walls to screen the existing truck yard will be provided along the north, east and south portions of the truck yard area.
- Abandonment and infill of four (4) existing driveways along Park Street.
- Incorporation of new decorative concrete paving on the three driveways along the Sunkist Street frontage.

- A new trash enclosure, will to be located along the northwest portion of the parking lot; and
- The widening of three (3) existing driveways along Sunkist Street, to meet City standards; and

WHEREAS, the proposed addition will be utilized primarily for the warehousing and storage of cold food products, however, a small 10' by 10' office will be provided along the southeast corner of the addition. The office will be utilized by the warehouse manager. The general administrative offices for the site will continue to be located along the north side of the existing building; and

WHEREAS, access to the project site will be provide through three existing driveways on Sunkist Street. To improve circulation and safety around the project area, as part of the proposed site improvements, four (4) existing driveways along Park Street will be abandoned. The driveway areas will be improved with new curbs, gutters, landscape parkways and sidewalks. Primary truck access will be available through the center driveway on Sunkist Street. Access to employee and visitor parking will be provided through the easterly driveway on Sunkist Street. The driveway along the western portion of Sunkist Street will provide access to the existing 73' tall T-Mobile telecommunication facility and will also be used for the regular maintenance and upkeep of the proposed addition; and

WHEREAS, consistent with the Ontario Development parking requirements, the proposed 35,368 square foot addition will require 28 parking spaces and two trailer spaces. As a result, a total of 53 parking spaces and 2 trailer parking spaces will be required for the entire site. The project will provide a total of 54 parking spaces and two trailer spaces, therefore, no parking issues are anticipated; and

WHEREAS, in conjunction with the proposed Development Plan application, a Tentative Parcel Map (File No. PMTT17-017/PM 19919) to consolidate 30 existing lots on the project site into one (1) legal parcel has been submitted; and

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

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

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

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

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

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

WHEREAS, on May 7, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-025, recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, which consists of:

- The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality;
- The project site can be adequately served by all required utilities and public services; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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

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

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Industrial land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) zoning district. The development standards and conditions under which the proposed project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed industrial addition to the existing 30,124 sq. ft. industrial building located within the Light Industrial zone, will provide an added service to the immediate area. The project will also introduce new improvement on the project site which will help in meeting the Council Goal of investment in the growth and evolution of the City's Economy. The proposed project will also meet the T.O.P goal of developing a community that provides for all incomes and stages of life; and developing a City of distinctive neighborhoods, districts, and corridors, where people choose to be; and

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the IL (Light Industrial) zoning district, as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions. The project will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project. Approval of the project will result in the addition of 35,368 square feet to an existing 30,124 square foot industrial building, consistent with the IL (Light Industrial) zoning district. The design of the building and site improvements will enhance

the surrounding neighborhood and add value to the current project site. In addition, the proposed decorative screen walls will minimize potential noise and visual impacts to neighboring residential properties; and

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan. In addition, during the environmental review of the project, staff determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 – In-Fill Development Projects) of the CEQA Guidelines. In addition, special conditions of approval have been placed on the project to also mitigate any negative impacts, that the project may have; and

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the IL (Light Industrial) zoning district. The applicant is proposing an addition of 35,368 square feet to an existing 30,124 square foot industrial building, consistent with the IL (Light Industrial) zoning district. As a result of such review, staff has found the project, when implemented in conjunction with the submitted Tentative Parcel Map request, to be consistent with the applicable Development Code requirements.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim,

action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV13-029
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: May 22, 2018
File No: PDEV13-029
Related Files: PMTT17-017 (PM 19919)

Project Description: A Development Plan (File No. PDEV13-029) to add 35,368 square feet to an existing 30,124 square foot industrial building for property located on 4.9 acres of land, at 617 E. Sunkist Street within the IL (Light Industrial) zoning district. APN: 1049-232-21; **submitted by Agrigold Joint Venture.**

Prepared By: Luis E. Batres, Senior Planner 
Phone: 909.395.2431
Email: Lbatres@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

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

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

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

2.3 Landscaping.

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

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

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

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

2.4 Parking, Circulation and Access.

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

(b) The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

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

(d) All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

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

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

2.5 Outdoor Loading and Storage Areas.

(a) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(b) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

(c) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:

- (i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or
- (ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(d) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.6 Site Lighting.

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

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

2.7 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.11 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

2.12 Additional Requirements.

(a) Plans shall be revised prior to submitting for plan check to reflect the correct total number of square feet proposed for the new addition.

(b) Chain link fencing along the projects street frontages and parking lot areas shall be replaced with a 6-foot tall decorative wrought iron/metal fence prior to occupancy of new addition.

(c) The new windows shall be doubled in height and the proposed decorative metal canopies shall project a minimum of 12-inches on each side of the windows.

(d) Two additional windows with the decorative canopies shall be provided along the south elevation of the new addition. Applicant shall work with staff during the plan check process to finalize their location.

(e) The street facing sides of the proposed screen walls shall be constructed of split face block or slump stone with a decorative cap. Screen walls shall also incorporate decorative pilasters to enhance the look of the walls.

(f) Screen walls shall not include the proposed 1-foot stripe to match the building.

(g) If existing chain link fence along the west property line is damaged, that section of the fence shall be replaced with a new fence per industry standards. Existing fence shall be painted and or coated to look like a new fence.

(h) Vine pockets shall be planted along the west property line fencing and along the proposed screen walls so that vines can attach to walls/chain-link fencing.

(i) The final height of the proposed screen walls shall be determined by a line of sight study illustrating that dock doors will not be visible from public views.

(j) Plans shall be coordinated before submitting for plan check so that all exhibits match.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PM19919 and PDEV13-029</u> RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___	

CITY PROJECT ENGINEER & PHONE NO: **Naiim Khoury, Associate Engineer** *NK*
 (909) 395-2152

CITY PROJECT PLANNER & PHONE NO: **Luis Batres, Senior Planner**
 (909) 395-2431

DAB MEETING DATE: **April 16, 2018**

PROJECT NAME / DESCRIPTION: **A tentative parcel map and development project to consolidate 30 lots into one lot and add approximately 42,000 S.F. building on 4.9 acres of land within the IL (light industrial) Zone**

LOCATION: **617 E. Sunkist Street**

APPLICANT: **AgriGold Joint Venture**

REVIEWED BY: *[Signature]* **3/26/18**
 Miguel Sotomayor **Date**
 Associate Engineer

APPROVED BY: *[Signature]* **3-27-18**
 Khoi Do, P.E. **Date**
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
 - a) Property line corner 'cut-back' per City Standard No. 1301 at the northwest corner of Campus Avenue and Sunkist Street and southwest corner of Campus Avenue and Park Street.

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

- 1.03 Restrict vehicular access to the site as follows: _____

- 1.04 Vacate the following easement(s):
 - a) Existing on-site public utility easements (PUE's) within the limits of the previously vacated alleys (Ref. Resolution No. 6950). The applicant/developer shall submit non-interference letters from all affected utility companies for vacating these PUE's.

Note 1: The existing City of Ontario public sewer system within the PUE's shall become private. See item 2.26 for additional details.

Note 2: The existing 36 feet PUE within the previously vacated Monterey Avenue (Ref. Resolution No. 6950) shall remain.

- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.

- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.

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

- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment



processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.

- (1) _____
- (2) _____

- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

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

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

- 2.01 Record Parcel Map/Tract Map No. 19919 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____



- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA). The applicant shall obtain the necessary approval from IEUA for relocation, adjustment or connection to existing sewer/brine line manholes located at the southeast corner of the property and northwest corner of Campus Avenue and Sunkist Street.**
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
 _____ feet on _____
 Property line corner 'cut-back' required at the intersection of _____
 and _____
- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.



- 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
- 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$111,052.45, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



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

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

Improvement	Campus Street	Sunkist Street	Park Street	PUE (Vacated Monterey Ave)
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace Damaged areas due to construction and utilities <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove existing curb and replace with new curb and gutter along site frontage where only curb exists	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove existing curb and replace with new curb and gutter along the entire site frontage	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> Grind and overlay <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Grind and overlay <input checked="" type="checkbox"/> Slurry seal pavement from street centerline to new gutter line along Park Street frontage	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace replace	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> close all existing driveway approaches	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace replace
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Remove Existing at midblock	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input checked="" type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral/M.H. relocation, as required @ driveway approach	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input checked="" type="checkbox"/> abandon existing unused water Services	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input checked="" type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade existing to LED <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2.G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Inlet and Lateral pipes



Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate <input checked="" type="checkbox"/> Pay in-lieu fees for undergrounding	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements (see item 2.09)	<input checked="" type="checkbox"/> Relocation and/or adjustment of IEUA manholes due construction of new curb return.	_____	_____	_____

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

- a) Remove and reconstruct concrete cross gutter and spandrel across Sunkist Street at Campus Avenue from street centerline north.
- b) Close all existing unused driveway approaches with full-height curb and gutter, sidewalk, and landscaped parkway along Park Street. Additionally, the applicant shall be responsible to reconstruct deteriorated and depressed asphalt concrete pavement along all driveway frontages for a minimum width of 5 feet from the new gutter line in accordance with all City standards and to the satisfaction of the City Engineer.
- c) Remove existing curb and construct new curb and gutter along the entire frontage of Park Street per City Standards. The construction of new curb and gutter may result in additional asphalt concrete (AC) grind and overlay in order to meet the minimum street drainage flow.
- d) Slurry seal Park Street from centerline to gutter line along the entire project frontage.
- e) Remove and replace damaged, depressed and uplifted sidewalk areas along the project frontages of Campus Avenue, Sunkist Street and Park Street. The limits of sidewalk removal can be determined during the submittal of improvement plans.

- 2.18 Construct a 2" AC grind and overlay on Sunkist Street. The limits of reconstruction shall be along the entire property frontage, from street centerline to curb/gutter. Reconstruction of the full pavement structural section may be necessary due to the removal of curb only and construction of new curb and gutter.
- 2.19 Reconstruction of the full pavement structural section on _____, per City of Ontario Standard Drawing number 1011, will be required based on the existing pavement condition and final street design. The limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.



- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately 371 feet, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 A 12-inch sewer main is available for connection by this project in Campus Avenue (Ref: Sewer Atlas sheet Nos. K14).
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions:
 - a) All on-site sewer lines shall be private facilities. Currently, there is an existing city of Ontario public sewer system within PUE's which solely serve this site. This sewer system shall become private and the PUE shall be vacated. See item 1.04 for additional details.
 - b) The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact: Michael Birmelin, Environmental Programs Manager at omucenvironmental@ontarioca.gov. Phone: (909) 395-2687.
 - c) Sewer services/laterals shall be constructed and/or relocated outside of existing and proposed driveway approaches.

D. WATER

- 2.27 12-inch and 8-inch water mains are available for connection by this project in Campus Avenue, Sunkist Street and Park street (Ref: Water Atlas Sheet No. K14)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions:
 - a) The existing water main in the PUE within the vacated Monterey Avenue shall be protected. Additionally, no new connections will be permitted to this water main and existing water connections (if any) shall be relocated to adjacent streets.
 - b) Existing public fire hydrant along the project frontages of Campus Avenue, Sunkist Street and Park Street shall be upgraded to the city's current standards.
 - c) The applicant/developer shall install backflow devices on all water services per current standards.
 - d) The applicant/developer shall install DCDA devices for fire services per current standards.



E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.
- Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.
- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions:
- a) Applicant/Developer shall be responsible to design and reconstruct the existing curb returns at the southwest corner of Park Street/Campus Avenue and northwest corner of Sunkist Street/Campus Avenue in accordance with City of Ontario Standard Drawing No. 1106. The new radius shall be 40-feet.
 - b) All existing "dustpan" type drive approaches shall be removed and replaced with commercial drive approaches in accordance with City of Ontario Standard Drawing No. 1204. Driveway curb return radii dimensions shall be provided on the site plan.
 - c) Applicant/Developer shall be responsible to relocate/replace the existing street lights on the north side of Sunkist Street to satisfy minimum spacing requirements due to the installation of new lights on the south side.
 - d) Applicant/Developer shall be responsible to relocate/replace any existing street lights, conduits, conductors and handholes along project frontages of Campus Avenue, Sunkist Street and Park Street impacted by new curb return and new driveway construction.
 - e) Applicant/Developer shall replace existing streetlight fixtures with City-approved LED equivalent fixtures, along project frontages of Campus Avenue, Sunkist Street and Park Street. Please refer to the Traffic and Transportation Design Guidelines Section 1.4 Street Light Plans.
 - f) Property frontages along Campus Avenue, Sunkist Street and Park Street shall be signed "No Parking Anytime".



- g) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- h) Gates shall remain open at all times during business hours.
- i) Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting street lighting design to discuss items such as tie-ins to existing or future street light circuits.

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____. (Ref: Storm Drain plan bar code: _____)
- 2.39 **Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.**
- 2.40 **An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.**
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 **Other conditions:**
 - a) **The applicant/developer shall be responsible to submit a drainage design solution associated with the construction of new curb and gutter and asphalt concrete pavement along Sunkist Street and Park Street to resolve existing drainage (ponding) issues to the satisfaction of the City Engineer.**
 - b) **The applicant/developer shall verify the conditions of four (4) existing curb drain grated inlets along the north side of Sunkist Street including storm drain pipes that traverse diagonally across Sunkist Street just east of the R.R. Tracks and correct any drainage issues associated with this storm drain system. The correction may include but not limited to the following; clean, repair or replace the storm system to the satisfaction of the City Engineer. This item must be field verified by City inspector and/or maintenance personnel prior to submittal of improvement plans.**
 - c) **The applicant/developer shall verify the conditions of two (2) existing curb drain inlets along the south side of Park Street including storm drain pipes that traverse diagonally across the PUE in Monterey Avenue just east of the R.R. Tracks and correct any drainage issues associated with this storm drain system. The correction may include but not limited to the following; clean, repair or replace the storm system to the satisfaction of the City Engineer. This item must be field verified by City inspector and/or maintenance personnel prior to submittal of improvement plans.**

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of



surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.

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

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

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.**
- 2.50 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.**
- a) Project shall be designed and constructed to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole in the Right-of-Way (ROW) and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.
- b) Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
- c) Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of the box and come



in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5 foot minimum clearance from existing/proposed utilities.

- d) Building Entrance (Multi-family and Commercial) - Design and install fiber optic conduit at a minimum depth of 36 inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct.
- e) Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.
- f) Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.
- g) All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.
- h) Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note "e" above.
- i) Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
- j) A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecomm/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.
- k) Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.
- l) For additional information please refer to the City's Fiber Optic Master Plan.
- m) Submit plans in digital format (PDF).

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location

<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>



2.52 Other conditions:



- a) The proposed new construction requires a 2-bin trash enclosure that will accommodate 8-CY volume in total (4-CY per bin). Trash enclosures shall be covered with solid roof.
- b) Show all existing and proposed trash enclosures as required on grading plans with dimensions and elevation view.



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

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



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV 13-029 and/or Parcel Map No. 19919

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

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



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

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

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

12/18/17
 Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Architect

Phone:
(909) 395-2237

D.A.B. File No.:
 PDEV13-029 Rev 4

Case Planner:
 Luis Batres

Project Name and Location:
 Industrial Building
 617 E Sunkist Ave
 Applicant/Representative:
 Plump Engineering/ cdpc Landscape Architects
 914 E Katella Ave
 Anaheim, CA

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 11/20/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil plan corrections

1. Show all backflows (domestic, fire and irrigation) on plan and dimension 4' set back from paving.
2. Show all transformers on plan dimension 5' set back from paving.

Landscape plan corrections

3. Provide an inventory of existing trees with genus, species and trunk diameter. Add tree protection notes on construction and demo plans for tree to remain. **Incorrect tree quantity and locations shown.**
4. Street trees for this project are: parvifolia 'Drake' on Campus ave. Note to replace street trees dead or in declining health with new street trees spaced 30' apart. Holly Oak on Park and Camphor on Sunkist. Street trees are in the parkway. Call out on-site trees behind the sidewalk.
5. Show parkway landscape max 18" high groundcovers. Such as Kurapia, Yarrow, Sesleria, etc.
6. Revise MAWA calculations to show on site separate from right of way landscape SF.
7. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
8. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections)	\$278.00

Once items are complete and Building permit is attained, you may email an electronic set for plan checking to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres, Planner
Planning Department

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

DATE: December 13, 2017

SUBJECT: PDEV13-029 - A Development Plan to add an additional 42,112 square feet to an existing 30,124 square foot cold storage building on 4.9 acres of land located on the northwest corner of Sunkist Street and Campus Avenue, at 617 East Sunkist within the IL (Light Industrial) zone. APN: 1049-232-21). (Previously John's Project)

-
- The plan **does not** adequately address Fire Department requirements at this time.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: III B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 42,112 Sq. Ft.
- D. Number of Stories: 1
- E. Total Square Footage: 42,112 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): S-2

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2,125 gallons per minute (g.p.m.) for 3 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

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

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

7.0 PROJECT SPECIFIC CONDITIONS

- 7.1 Proposed dead-end alley on west side of property does not meet Fire Department access or turn around needs



SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

620 South E Street • San Bernardino, CA 92415-0153 • (909) 386-8401 • Fax (909) 386-8460

MEMORANDUM

DATE: December 18, 2017

PHONE: 909.386.8401

FROM: **Andrew Bezdek**
Hazardous Materials Specialist

TO: **Luis Batres, Senior Planner**
Planning Department

SUBJECT: **Agrigold Joint Venture, APN: 1049-232-21, PDEV13-029 & PMTT17-017**

San Bernardino County Fire District, Office of the Fire Marshal, Hazardous Materials Division has the following conditions for this project:

1. Modifications to a covered process must follow title 19 CCR 2745.11 which requires the following:
 - (a)(1) The owner/operator must notify the AA in writing at least five calendar days prior to implementing any modification. They must also consult with the AA when determining whether the RMP should be reviewed and revised.
 - (a)(2) The owner/operator must establish procedures to manage the proposed modification, similar to Section 2760.6 (management of change) and 2760.7 (pre-start-up safety review) and notify the AA that the procedures have been established.
 - (b) The owner/operator shall revise the appropriate documents (RMP), as required pursuant to section (a), expeditiously, but no later than 60 days from the date of modification.
2. Prior to operation, the facility shall update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

For additional information please contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres, Planning Department

FROM: Douglas Sorel, Police Department

DATE: November 15, 2016

SUBJECT: PDEV13-029– A DEVELOPMENT PLAN TO CONSTRUCT AN
ADDITION TO THE EXISTING COLD STORAGE BUILDING AT 617
EAST SUNKIST STREET

The “Standard Conditions of Approval” contained in Resolution No. 2010-021 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

Additionally, the Ontario Police Department places the following conditions on the project:

- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on

the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 29, 2017
SUBJECT: PDEV13-029

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV13-029
 Address: 617 East Sunkist Avenue
 APN: 1049-232-21
 Existing Land Use: Warehouse Storage
 Proposed Land Use: 42,112 SF addition for warehouse purposes
 Site Acreage: 4.9 Proposed Structure Height: N/A
 ONT-IAC Project Review: No
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Luis Batres
 Date: 4/19/18
 CD No.: 2016-070 Rev. 4
 PALU No.:

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input checked="" type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input checked="" type="checkbox"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input checked="" type="checkbox"/> Airspace Avigation Easement Area	
<input checked="" type="checkbox"/> Zone 4		Allowable Height: 90 - 105 FT	
<input type="radio"/> Zone 5			

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

See Attached Conditions

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2016-070 Rev. 4

PALU No.:

PROJECT CONDITIONS

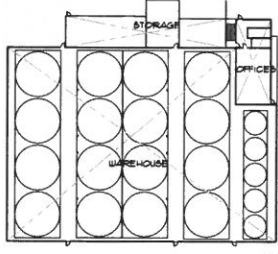
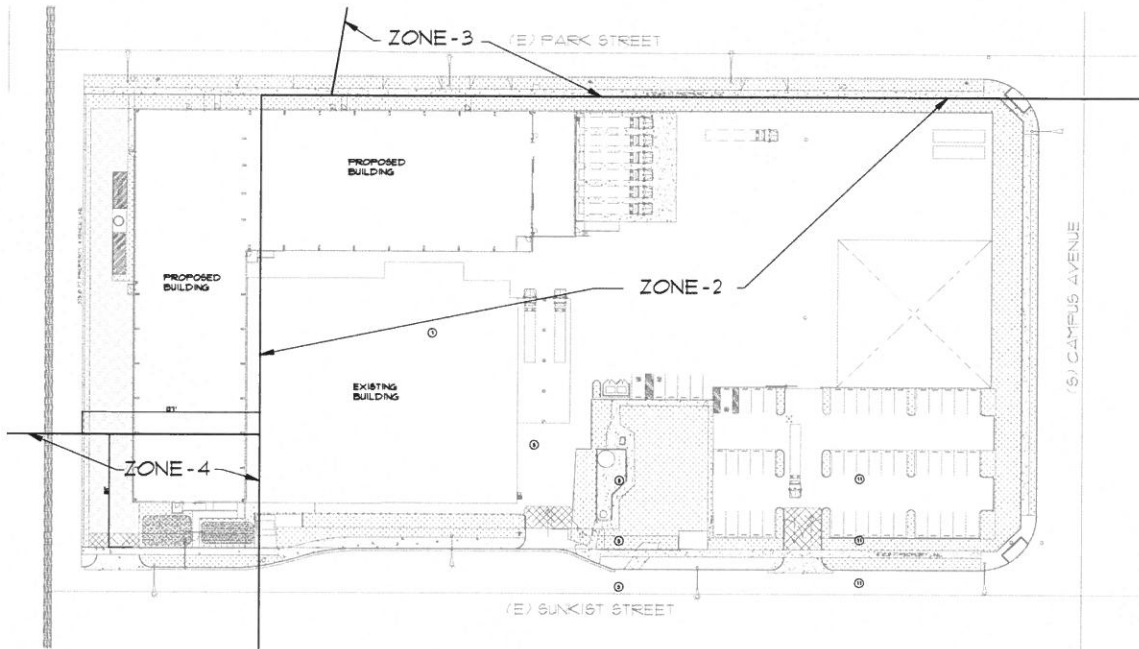
1. Project is located within Safety Zone 2 and 4, above ground storage of hazardous materials greater than 6,000 gallons is not allowed (ALUCP Policy S4b (Hazardous Material Storage)).
2. Attached are the land use intensity calculations for the proposed building. Future land uses that deviate from what is currently being approved must meet the policies and criteria of the LA/Ontario ALUCP. An alternative method for measuring compliance with the usage intensity limits is acceptable provided it meets the Safety Criteria policies set forth in the LA/ONT ALUCP.
3. The maximum height limit for the project site is 105 feet and as such, any construction equipment such as cranes or any other equipment exceeding 105 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed and approved by the FAA prior to operating such equipment on the project site during construction.

CE No.: 2016-070

Intensity Calculations for PDEV13-029

Intensity Calculations																				
Building No.	Proposed Land Use	Zone 2 Land Use SF	Zone 4 Land Use SF	Load Factors		Sitewide Average Calculations (Zone 2 = 60 P/AC max)	Sitewide Average Calculations (Zone 4 = 160 P/AC max)	Zone 2 Single Acre Land Use SF (Zone 2 = 120 P/AC max)	Single Acre Intensity Calculations (Zone 4 = 400 P/AC max)											
				ALUCP Load Factor	ALUCP Load Factor	ALUCP Load Factor	ALUCP Load Factor	ALUCP Load Factor	ALUCP Load Factor											
617 East Sunkist Street	Warehouse	50,540	4,403	1,000	51	4	43.51	4												
	Small Assembly	-	-	15	0	0	-	0												
	Office	500	-	215	2	0	2	0												
Totals					13	1	46	4												
Site Information																				
Safety Zone	Acreage	Square Footage																		
Zone 2	3.95509	172,284																		
Zone 4	0.23615	10,287																		
Totals	4.19124	182,570																		
<table border="1"> <thead> <tr> <th colspan="2">Sitewide Average Calculation</th> </tr> </thead> <tbody> <tr> <td>Safety Zone 2 =</td> <td>13</td> </tr> <tr> <td>Safety Zone 4 =</td> <td>1</td> </tr> </tbody> </table>				Sitewide Average Calculation		Safety Zone 2 =	13	Safety Zone 4 =	1	<table border="1"> <thead> <tr> <th colspan="2">Single Acre Intensity Calculation</th> </tr> </thead> <tbody> <tr> <td>Safety Zone 2 =</td> <td>46</td> </tr> <tr> <td>Safety Zone 4 =</td> <td>4</td> </tr> </tbody> </table>					Single Acre Intensity Calculation		Safety Zone 2 =	46	Safety Zone 4 =	4
Sitewide Average Calculation																				
Safety Zone 2 =	13																			
Safety Zone 4 =	1																			
Single Acre Intensity Calculation																				
Safety Zone 2 =	46																			
Safety Zone 4 =	4																			

October 27, 2014



EXISTING BUILDING FLOOR PLAN
SCALE: 1/32" = 1'-0"

STORAGE - 2835 SF
 WAREHOUSE - 78106 SF
 OFFICE - 1583 SF

ONT ALUCP COMP. ZONES MAP
SCALE: 1/32" = 1'-0"

ZONE 2 BUILDINGS	17284 SF 51040 SF
ZONE 4 BUILDINGS	10281 SF 4403 SF

SA
SERIALS
CONCEPTS, INC.

8152 PARKER AVENUE
WHITETER, CA 95062
Telephone: (916) 262-1775

REAL

NO.	DATE	DESCRIPTION
1	10-20-08	PREP. PERMITAL
1	2-27-09	REVISION

CLIENT
AGRIGOLD ZONT VENTURE

617 E. Sunkist Street
Ontario, CA 91761

AGRIGOLD ZONT VENTURE
NEW REFRIGERATION ADDITION

617 E. Sunkist Street
Ontario, CA 91761

Date:	02-12-2008
Project:	2005-18
Drawn:	-
Approved:	sf
Scale:	AS NOTED

Sheet Title:
ONT ALUCP COMP. ZONES
Sheet No.:

A0.9



PLANNING COMMISSION STAFF REPORT

May 22, 2018

SUBJECT: A Conditional Use Permit (File No. PCUP18-015) to establish three (3) drive-thru restaurants (1,800 square-foot, 3,000 square-foot and 3,320 square-foot) in conjunction with a Development Plan (File No. PDEV17-051) to construct a 94,782 square-foot commercial development on 10.06 acres of land located within the Retail district of Planning Area 10B of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and Haven Avenue; (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

PROPERTY OWNER: Brookcal Ontario, LLC

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PCUP18-015 and PDEV17-051, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 10.06 acres of land located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail district of Planning Area 10B of The Avenue Specific Plan, and is depicted in Figure 1: Project Location. The project site gently slopes from north to south and is currently mass graded. The property to the north of the project site is within the Medium Density Residential District of Planning Area 10A of The Avenue Specific Plan and is currently developed with multi-family residential units. The property to the east is within the Commercial and Residential district of Planning Areas 9A of the Rich Haven Specific Plan and is vacant. The property to the south is within the Low Density Residential district of Planning Area 11 of The Avenue Specific Plan and is mass graded. The property to the west is within the Low Medium



Figure 1: Project Location

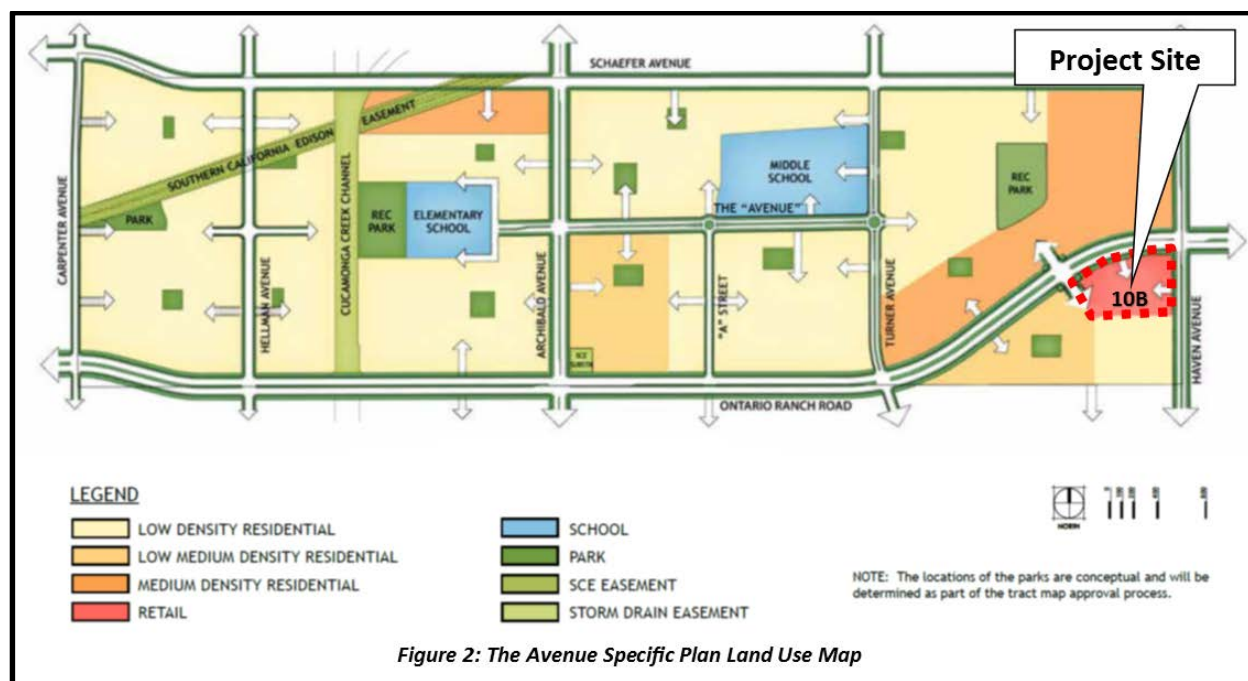
Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	5/21/18	Approve	Recommend
Submittal Date:	10/3/17	ZA			
Hearing Deadline:	N/A	PC	5/22/18		Final
		CC			

Density Residential district of Planning Area 11 of The Avenue Specific Plan and is developed with multi-family residential uses.

PROJECT ANALYSIS:

[1] Background — The Avenue Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on December 19, 2006. The Avenue Specific Plan established the land use designations, development standards, and design guidelines for 568 acres, which includes the potential development of 2,875 dwelling units and approximately 131,000 square feet of commercial.

On April 8, 2014, the Planning Commission approved Tentative Tract Map 18922 (referred to as an “A” Map) for Planning Area 10A of The Avenue Specific Plan, which facilitated the backbone infrastructure improvements and the creation of park/recreational facilities and residential neighborhoods within the eastern portion of the Specific Plan (**Figure 2: The Avenue Specific Plan Land Use Map**). On May 21, 2018, the Development Advisory Board recommended approval of the application to the Planning Commission.



The Applicant, Frontier Real Estate Investments, has submitted a Conditional Use Permit (File No. PCUP18-015) to establish three (3) drive-thru restaurants (1,800 square-foot, 3,000 square-foot and 3,320 square-foot) in conjunction with a Development Plan (File No. PDEV17-051) to construct a 94,782 square-foot commercial development on 10.06 acres of land located within the Retail district of Planning Area 10B of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and Haven Avenue (**Exhibit A: Site Plan / Conceptual Landscape Plan**).

The proposed New Haven Market Place will allow the residents of Ontario Ranch access to shopping and employment opportunities nearby. The shopping center has been designed to provide residents the ability to access services by foot, bicycles via pedestrian trails connecting the nearby communities to the neighborhood shopping center. Throughout the New Haven Market Place, appropriate landscaping, site planning and architectural design were carefully considered to create a pedestrian-friendly design and a welcoming place to shop, eat and work. The New Haven Market Place will be unique to the City of Ontario and will be one of the first shopping centers in the area to provide both the daily shopping needs (Supermarket, retail and services) of the residents and serve as a neighborhood entertainment venue for the residents that will feature unique restaurants/food halls, outdoor eating spaces with entertainment areas and an open space park plaza area.

[2] Site Design/Building Layout — The proposed New Haven Marketplace will be the first commercial development within the Ontario Ranch area. The proposed commercial development includes:

- A 44,662 square-foot grocery store and a 13,140 square-foot drug store located along the southern portion of the project site. The loading docks for the two major tenants are proposed within the southwestern portion of the buildings and will be screened from public view by screen walls and dense landscaping. Additionally, the future residential development located to the south of the project site will be screened by an 8' high masonry block wall and a 10' landscape buffer.
- Multi-Tenant Shop 1 (6,820 square-foot) and Shop 2 (5,040 square-foot) proposes various restaurant uses with an outdoor plaza and covered patio areas and are located within the northwestern portion of the project site and fronts Ontario Ranch Road and New Haven Drive.
- Restaurant Pad 4 (5,050 square-foot) proposes partially enclosed seating, outdoor seating, water tower fountain and a fire pit and is located between the proposed drug store and Multi-Tenant Shops 1 and 2.
- Fast-Food Drive-Thru Restaurants: Pad 1 (3,000 square-foot) and Pad 2 (3,320 square-foot) are centrally located within the northern portion of the project site on either side of the ingress/egress along Ontario Ranch Road. The drive-thru restaurant elevations have not been provided, as the end users are not currently known. However, these building pads have been conditioned to submit Development Plans to the City for review and approval prior to the issuance of building permits.

- Multi-Tenant Pad 3 with a Drive-Thru (4,550 square-foot) proposes a canvas covered outdoor seating area and is located within the northeastern portion of the project site and fronts Haven Avenue.
- Multi-Tenant Shop 3 (9,200 square-foot) is proposed to the east of the grocery store within the southeastern portion of the project site.

[3] Site Access/Circulation — The previously approved Tentative Tract Map 18922 (“A” Map), facilitated the construction of the backbone streets and primary access points into the existing New Haven Community (Planning Area 10A) of The Avenue Specific Plan from Ontario Ranch Road, Turner Avenue, Schaefer Avenue and Haven Avenue.

The project site will have a right-in and right-out drive approach along Ontario Ranch Road that runs east and west along the northern frontage of the project; a full access drive approach along New Haven Drive that runs north and south along the western frontage of the site; and two drive approaches (1. Right-In and Right-Out; and 2. Full Access with a new Traffic Signal) along Haven Avenue that runs north and south along the eastern frontage of the site.

Vehicular circulation throughout the site is provided with a series of two-way drive aisles, which provides circulation to all proposed building and throughout the parking fields. A 30-foot wide drive aisle that runs east and west along the southern portion of the project site will provide delivery truck access to the two major tenant buildings.

Pedestrian circulation is provided throughout the project site that will connect each building within the development. Additionally, a number of pedestrian pathways will be provided and will connect to the Neighborhood Edges along Ontario Ranch Road, Haven Avenue and New Haven Drive, which will encourage and promote pedestrian mobility for the surrounding residents.

[4] Architecture — The proposed architecture for the development is based upon an eclectic array of contemporary barns, which is inspired by the history of the surrounding agrarian community of Ontario Ranch. The proposed buildings will include: smooth-painted stucco, barn wood siding, burnished or medium sand finished CMU block, corrugated metal siding, hardi-board siding, horizontal and vertical reveals, standing metal seam roofs, composite shingle roof, windows with clear aluminum mullions and clear glazing, metal awnings and metal trellises (**Exhibit B: Floor Plan and Elevations**).

The mechanical equipment will be roof-mounted and obscured from public view by the parapet walls or within the buildings. Staff believes that the proposed project illustrates the type of high-quality architecture promoted by The Avenue Specific Plan. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas;

- Metal canopies and trellises, which serves to provide articulation and visual interest that accentuate the building's entries;
- Variations in building massing;
- A mix of exterior materials, finishes and fixtures; and
- Incorporation of base and cornice treatments defined by changes in color and horizontal/vertical reveals.

[5] Landscaping — The project provides landscaping and split-rail fencing along all street frontages (24"-box: California Sycamore, California Coast Live Oak, or Bay Laurel Trees), the southern perimeter of the project site, along the drive aisles and parking spaces (24"-box Desert Museum Palo Verde and Maverick Honey Mesquite) and substantial landscape/entry features within the northwestern and northeastern portions of the project site (**Figures 3 and 4: Northwestern and Northeastern Landscape Features**).

The northwestern portion of the project will provide: a vertical steel and wooden trellis with tables and seating along the northwestern corner; a large depressed amphitheater lawn; and heritage trees (48"-box: California Sycamore, California Coast Live Oak, or Bay Laurel Trees). The northeastern portion of the project site will provide: a windmill, windmill water tank and perimeter trees (24"-box: California Sycamore, California Coast Live Oak, or Bay Laurel Trees).



Figure 3: Northwestern Landscape Features



Figures 4: Northeastern Landscape Features

The Avenue Specific Plan requires the following landscape setbacks: 35’ along Ontario Ranch Road, 14’ along Haven Avenue, 10’ from New Haven Drive and a 5’ interior property line landscape buffer adjacent to a residential district, the project has met all landscape setback requirements. Additionally, the Specific Plan requires a minimum of 10% total landscape coverage and the project proposes 10% total landscape coverage (**Exhibit A: Site Plan / Conceptual Landscape Plan**).

[6] Parking — The applicant is proposing to maximize the project site with a number of restaurant uses, therefore the project is deficient by 47 parking spaces and is not in compliance with the off-street parking requirements pursuant to the Development Code as demonstrated in the parking table below.

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
Grocery Store, Drug Store and General Retail	64,547 SF	4 spaces per 1,000 SF (0.004/SF) of GFA;	258	
Restaurant	22,115 SF	10 spaces per 1,000 SF (0.01/SF) of GFA (includes outdoor seating area up to 25 percent of GFA).	221	
Fast Food Restaurant	8,120 SF	13.3 spaces per 1,000 SF (0.0133/SF) of GFA (includes outdoor seating area up to 25 percent of GFA). Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window.	90	
TOTAL	94,782 SF		569	522

To address the deficiency in the required parking, a shared parking analysis (Per Development Code Division 6.03 – *Off Street Parking and Loading*, Section 6.03.020) was prepared for the project by Linscott, Law and Greenspan, March 30, 2018 (**Exhibit C: Shared Parking Analysis**). The shared parking analysis concluded that the peak

parking requirement for the site during a typical weekday is 468 parking spaces that occurs at 12:00 PM. In addition, the peak parking demand for the site during a weekend day is 522 parking spaces which occurs at 12:00 PM. As a result, the peak parking demand for the project is 522 parking spaces that occurs at 12:00 PM on the weekend. The parking supply of 522 parking spaces for the development is sufficient to accommodate the project's proposed tenant mix.

[7] Conditional Use Permit – Pursuant to The Avenue Specific Plan, a Conditional Use Permit (CUP) review is required for “Fast Food Restaurants with Drive-Thru’s” within the Commercial land use designation. The intent of a CUP application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The three drive-thru restaurants will be constructed on Pads 1, 2 and 3 of the shopping center and will feature a single lane drive-thru’s having sufficient stacking to accommodate up to 7-9 vehicles behind the first drive-thru window (a minimum of 6 stacking spaces is required). The anticipated hours of operation for the restaurant and drive-thru’s will typically be 6:00 AM to 12:00 AM, Sunday through Thursday, and may be 24-hours on Friday and Saturday. Additionally, the Pads 1 and 2 drive-thru restaurant elevations have not been provided, as the end users are not currently known. However, these building pads have been conditioned to submit Development Plans to the City for review and approval prior to the issuance of building permits. The proposed Project, when implemented in conjunction with the conditions of approval, is consistent with the standards and guidelines of The Avenue Specific Plan and the City’s Development Code. Therefore, staff supports the granting of the requested Conditional Use Permit.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City’s Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario’s Commercial and Residential Neighborhoods
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

- Commercial and Residential Development

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

[3] Governance.

Decision Making:

▪ Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

➤ G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

➤ LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

➤ LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

Community Economics Element:

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

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

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

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

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

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

Community Design Element:

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

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

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

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

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

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

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

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

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

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

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

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

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
 - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, 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 certified by the City Council on December 19, 2006. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Neighborhood Commercial	The Avenue Specific Plan	Planning Area 10B - Retail
<i>North</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 10A – LDR/MDR
<i>South</i>	Mass Graded	Low Density Residential	The Avenue Specific Plan	Planning Area 11 – LDR
<i>East</i>	Vacant	Mixed Use – NMC East	Rich Haven Specific Plan	Planning Area 9A – Commercial and Residential
<i>West</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 11 – LMDR

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	10.06 Ac	N/A	
<i>Building Area:</i>	94,782 SF	N/A	
<i>Floor Area Ratio:</i>	0.22	0.35 (Max.)	

Exhibit A — SITE PLAN / CONCEPTUAL LANDSCAPE PLAN

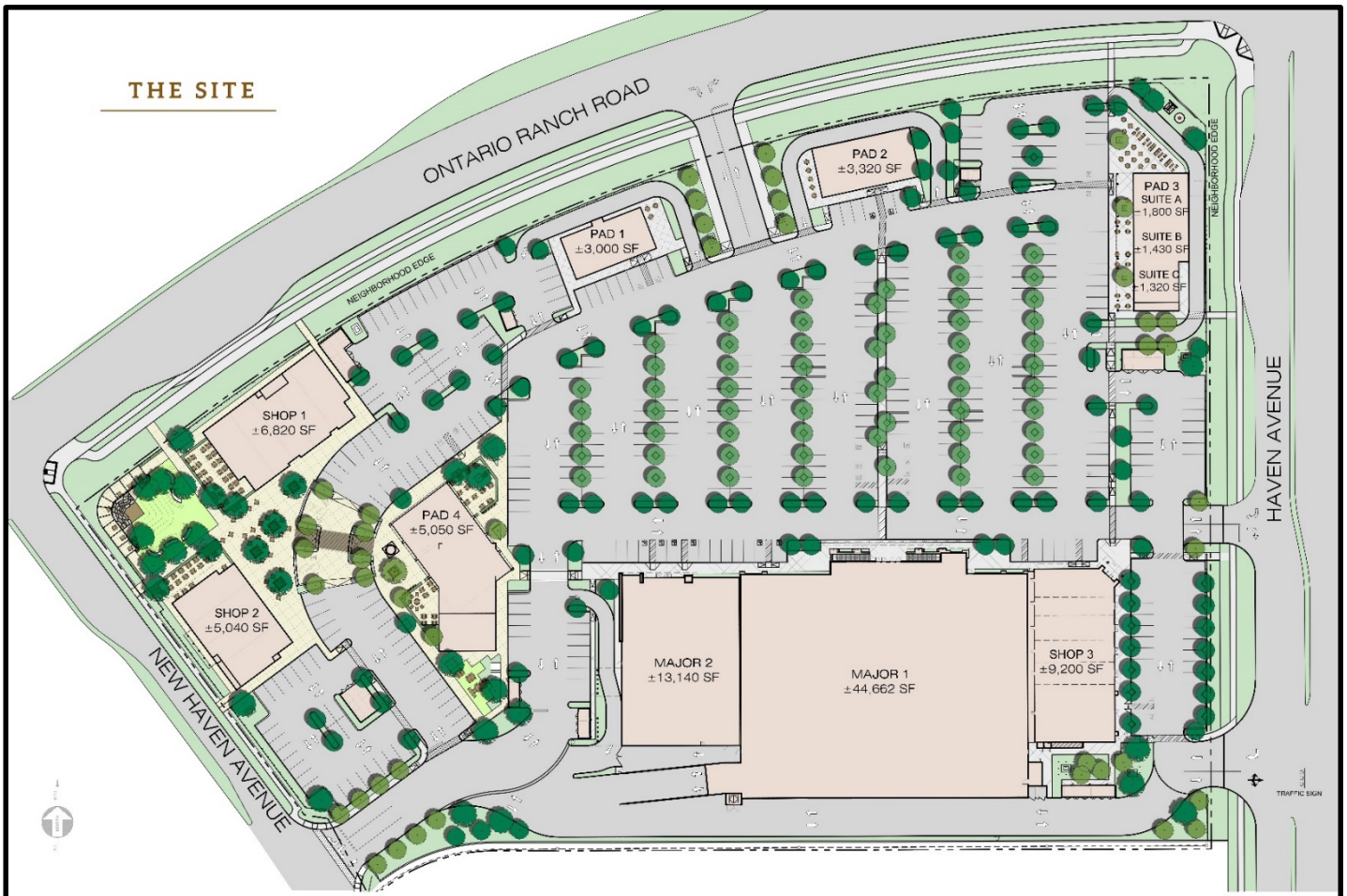


Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – SHOP 1

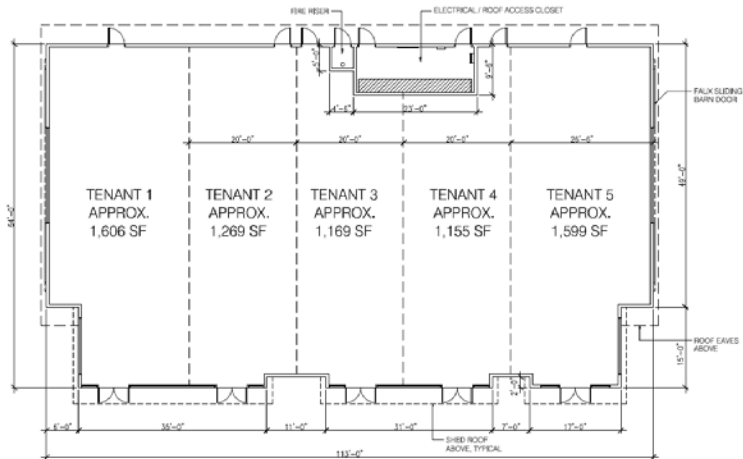


Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – SHOP 1



Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – SHOP 2

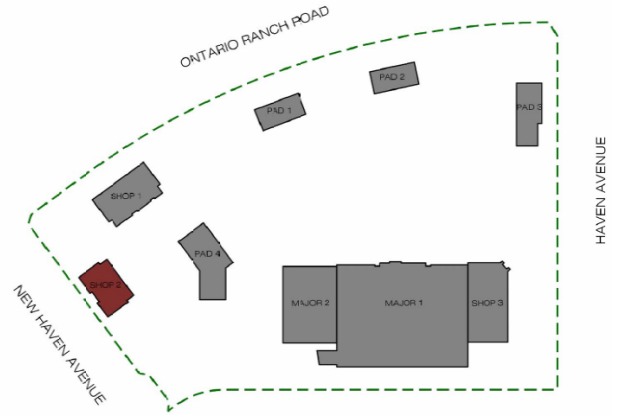
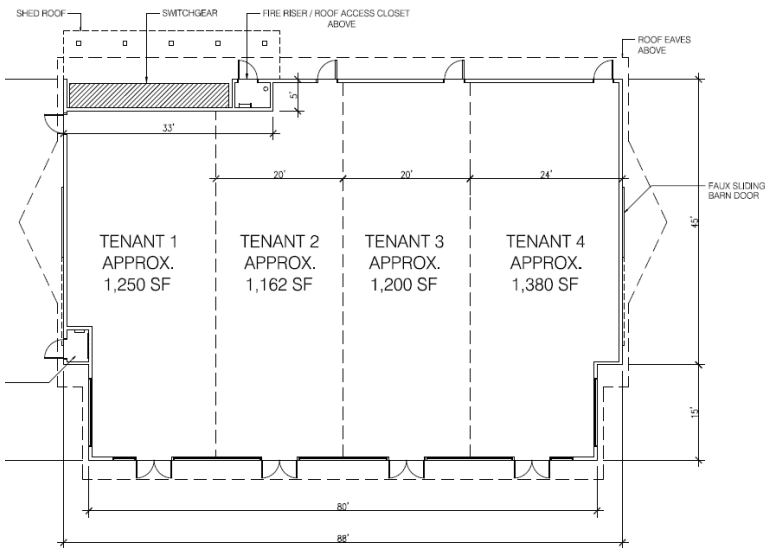


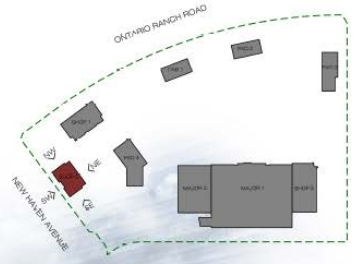
Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – SHOP 2

MATERIAL LEGEND

- ◊ HARP WOOD SHINGLES
- ◊ WOOD FASADA
- ◊ STEEL FRAME BARN DOOR WITH WOOD INFILL
- ◊ CLEAR ANODIZED ALUMINUM FRAME WINDOW SYSTEM
- ◊ CLEAR GLAZING
- ◊ COMPOSITE SHINGLE ROOFING
- ◊ METAL SHINGLES
- ◊ WOOD POSTS
- ◊ METAL STORM LOUVER
- ◊ WOOD DOOR WITH FAUX DUTCH DOOR APPEARANCE

COLOR LEGEND

- ◊ DOWN MILLANO - DRUMMO DAVE RED
- ◊ SHY COMPOSITE SHINGLE - SLATE
- ◊ APT SPAN - COOL METALLIC CHAMPAGNE



SOUTHEAST ELEVATION



NORTHEAST ELEVATION

NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE ARCHITECTURALLY SCREENED FROM PUBLIC VIEW



NORTHWEST ELEVATION



SOUTHWEST ELEVATION

Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – MAJOR 1

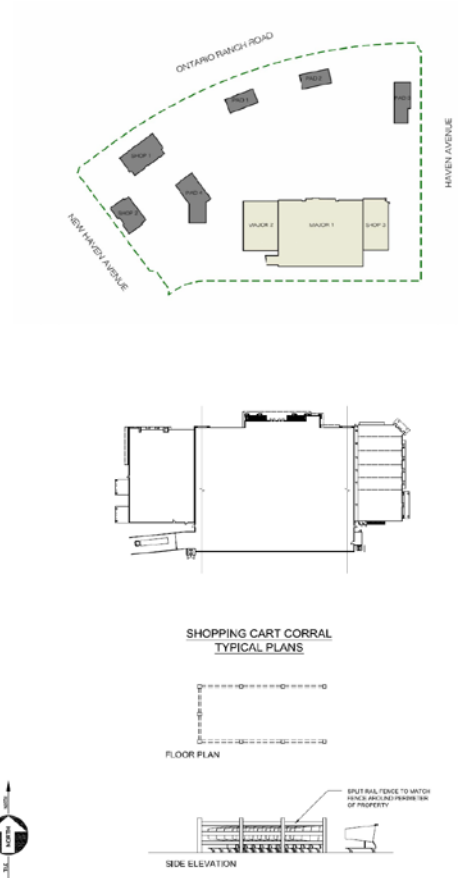
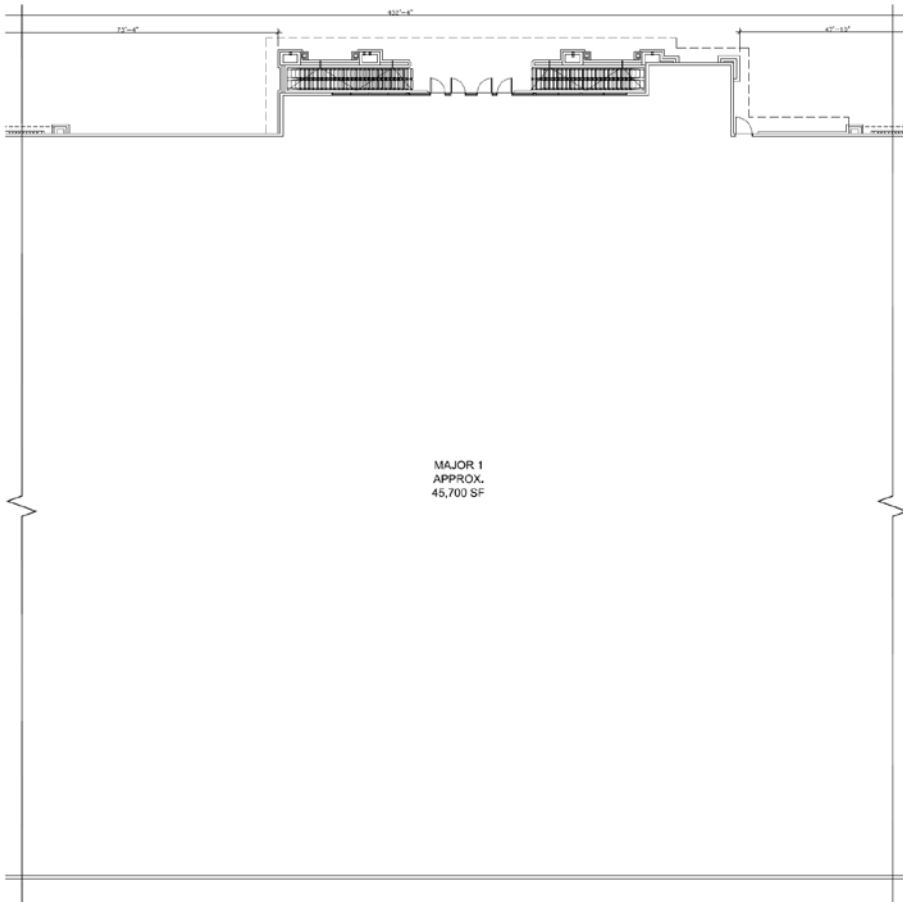


Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – MAJOR 2 AND SHOP 3

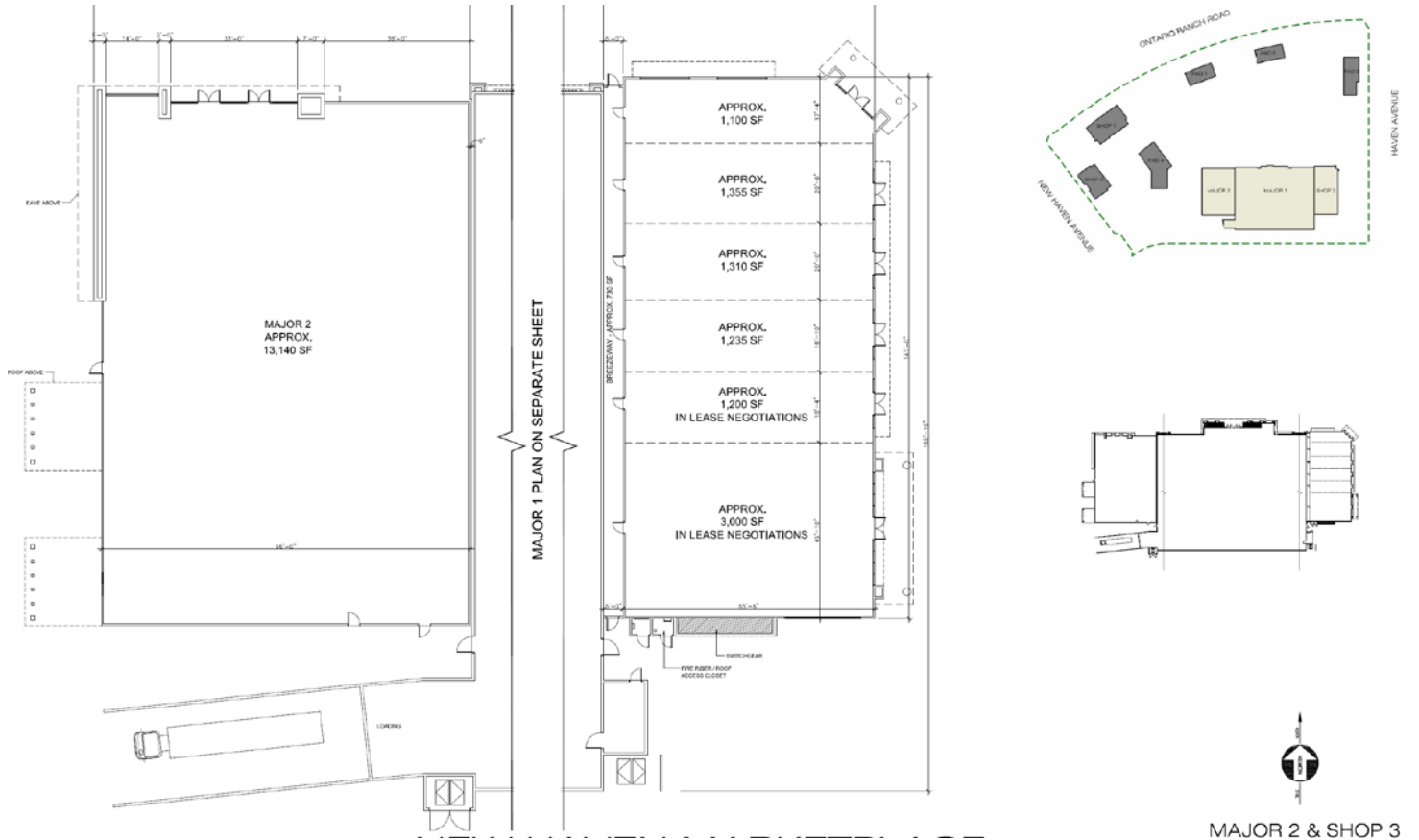


Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – MAJORS FRONT ELEVATION



- END
- FINISHED FINISH
 - 2000 SAND FINISHED PLASTER
 - 1/2" GYP. PLASTER
 - FINISHED PLASTER
 - 2X4 SING.
 - KYLE ROOFING
 - MIN.
 - ID
 - WALL
 - 1 ALUMINUM FRAME WINDOW SYSTEM
 - SEAL

NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE ARCHITECTURALLY SCREENED FROM PUBLIC VIEW



- ID
- #5 - SW7517 CHINA ODD
 - #6 - SW502 COBBLE BROWN
 - #8 - SW355 FIRED BRICK
 - GRAVITY
 - SHED BLOCK S.D. TEXTURE - WARM GRAY
 - 20L RED
 - 1/2" PAVER 2000X1000

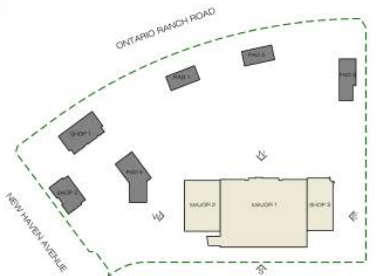


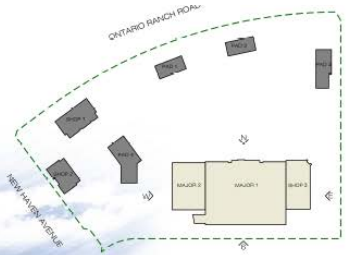
Exhibit B — EXTERIOR ELEVATIONS – MAJOR WEST AND SHOP 3 ELEVATIONS

MATERIAL LEGEND

- ◇ E.M.U. WITH BURNISHED FINISH
- ◇ E.M.U. WITH MEDIUM SAND FINISHED PLASTER
- ◇ SMOOTH INTERIAL COLOR PLASTER
- ◇ MEDIUM SAND FINISHED PLASTER
- ◇ VORWASHED METAL SIDING
- ◇ METAL SIDING
- ◇ COMPOSITE SHINGLE ROOFING
- ◇ STEEL COLUMN
- ◇ CONCRETE COLUMN
- ◇ METAL ANNING
- ◇ METAL SIGN BAND
- ◇ WOOD TRELLIS
- ◇ CLEAR CUSTOM MAIL
- ◇ CLEAR ANODIZED ALUMINUM FRAME WINDOW SYSTEM
- ◇ CLEAR GLAZING

COLOR LEGEND

- ◇ SHERWIN WILLIAMS – SW7517 CHINA DOLL
- ◇ SHERWIN WILLIAMS – SW652 COBBLE BROWN
- ◇ SHERWIN WILLIAMS – SW655 FIRED BRICK
- ◇ BMF54 – 5258 GRAY
- ◇ ANGELUS BURNISHED BLOCK S.O. TEXTURE – MARI GRAY
- ◇ REP SPAN – COOL RED
- ◇ REP SPAN – COOL DARK BRUNZE



EAST ELEVATION

NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE ARCHITECTURALLY SCREENED FROM PUBLIC VIEW



WEST ELEVATION

Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – PAD 3

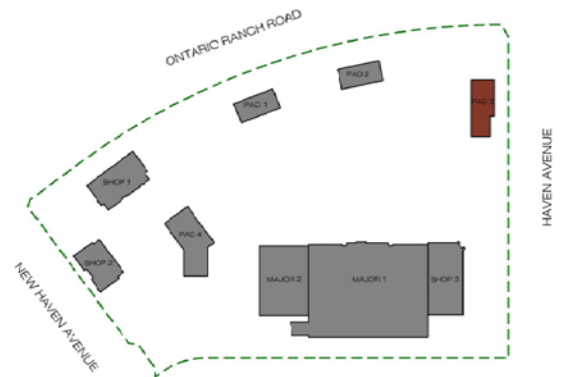
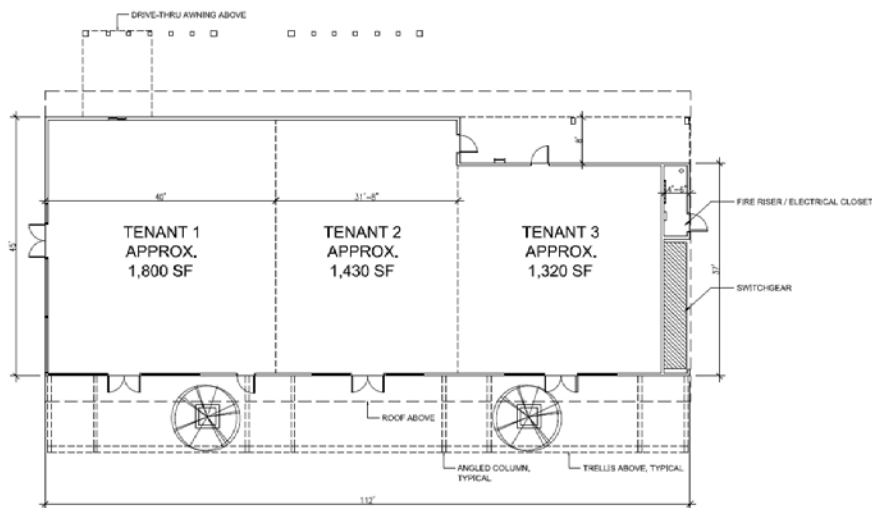


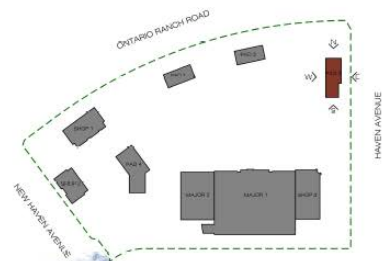
Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – PAD 3

MATERIAL LEGEND

- ◇ METAL SIDING
- ◇ STEEL COLUMN
- ◇ CLEAR ANODIZED ALUMINUM FRAME WINDOW SYSTEM
- ◇ CLEAR GLAZING
- ◇ STANDING SEAM METAL ROOFING
- ◇ HOLLOW METAL DOOR
- ◇ METAL STORM LOVER
- ◇ ELECTRICAL CABINET

COLOR LEGEND

- ◇ CHEERIN WALLING – SM325 FIRED BRICK



NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE ARCHITECTURALLY SCREENED FROM PUBLIC VIEW



Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – PAD 4

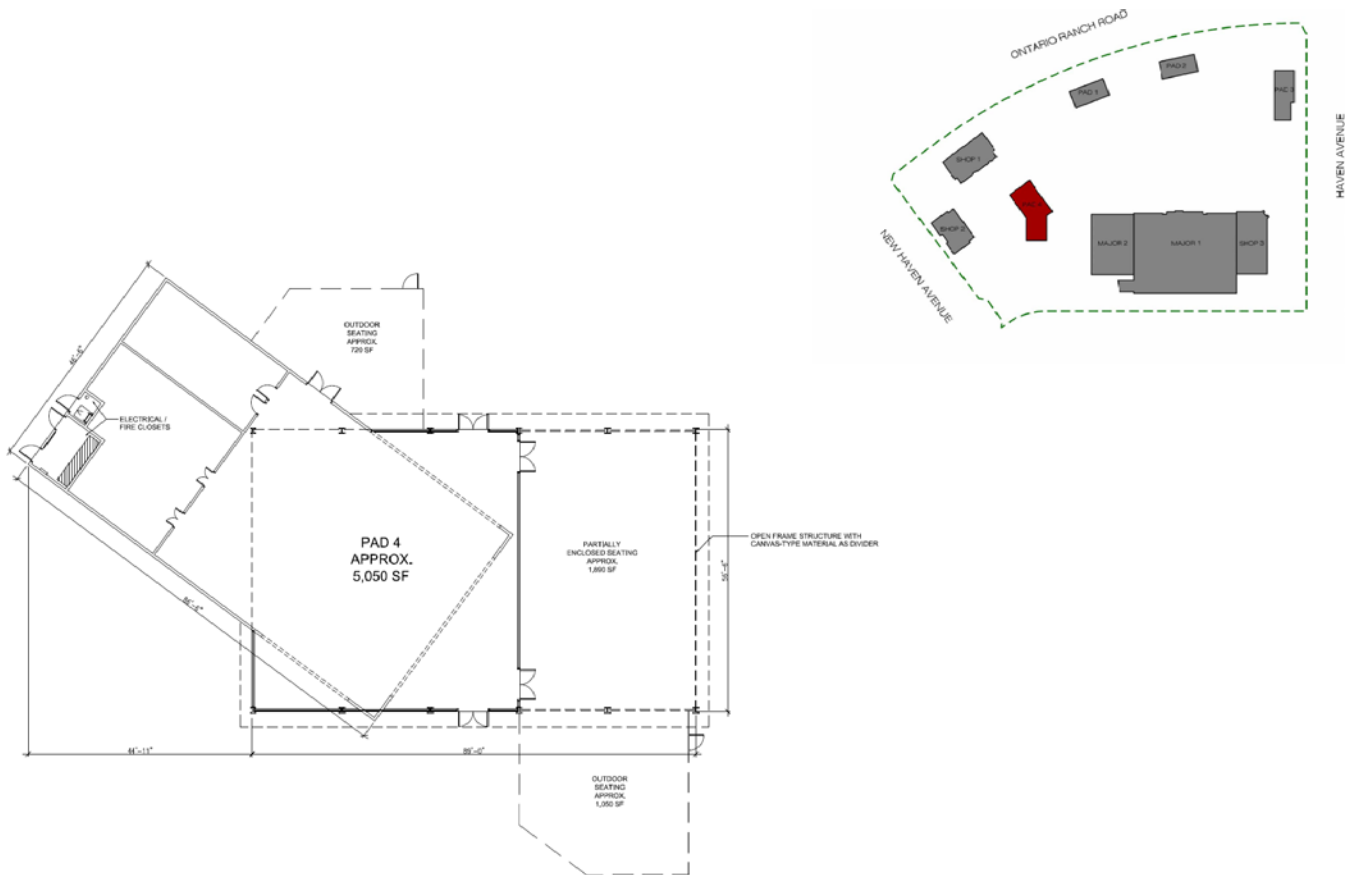


Exhibit B — FLOOR PLAN AND EXTERIOR ELEVATIONS – PAD 4



Exhibit B — CONCEPTUAL RENDERINGS



Exhibit B — CONCEPTUAL RENDERINGS



Exhibit C: SHARED PARKING ANALYSIS

(Shared Parking Analysis to follow this page)

March 30, 2018

Mr. Gavin Reid
Frontier Real Estate Investments
610 Newport Center Drive, Suite 410
Newport Beach, CA 92660

LLG Reference: 2.17.3820.1

Subject: Shared Parking Demand Analysis for New Haven Marketplace
Ontario, California

Dear Mr. Reid:

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to submit this Shared Parking Demand Analysis for the New Haven Marketplace project (hereinafter referred to as Project). The proposed Project is a 94,782 square-foot (SF) neighborhood shopping center with a proposed parking supply of 522 parking spaces, located on the southwest corner of Ontario Ranch Road and Haven Avenue in the City of Ontario, California. **Figure 1**, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the Project site and depicts the surrounding street system.

Based on our understanding, a parking study has been required by the City of Ontario to evaluate the parking requirements of the proposed neighborhood shopping center to validate the adequacy of the Project's proposed parking supply to accommodate the anticipated mix of tenants. This report evaluates those needs based on application of City of Ontario Development Code, and further application of the methodology outlined in Urban Land Institute's (ULI) *Shared Parking, 2nd Edition*, which is consistent with *Division 6.03-Off-Street Parking and Loading, Section 6.03.020 A - Reduction in the Required Number of Spaces, Shared Parking* of the City's Development Code.

Our method of analysis, findings, and recommendations are detailed in the following sections of this letter report.

Engineers & Planners
Traffic
Transportation
Parking

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Philip M. Linscott, PE (1924-2000)
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William A. Law, PE (Ret.)
Paul W. Wilkinson, PE
John P. Keating, PE
David S. Shender, PE
John A. Boarman, PE
Clare M. Look-Jaeger, PE
Richard E. Barretto, PE
Keil D. Maberry, PE

PROJECT DESCRIPTION

The Project site is a 10.06± acre parcel of land located south of Ontario Ranch Road, between Haven Avenue and New Haven Avenue in the City of Ontario, California. The proposed Project consists of development of 94,782 SF of floor area within nine (9) buildings. The proposed tenant mix will include a 44,662 SF supermarket, a 13,140 SF drug store/pharmacy with drive-through, 6,745 SF of retail uses and up to 30,235 SF of a variety of restaurant/food uses, inclusive of three (3) fast-food restaurants with drive-through lanes. The proposed on-site parking supply for the Project totals 522 spaces.

Table 1, located at the end of this letter report, summarizes the Project development totals and land uses for the proposed Project. *Figure 2* presents the proposed Project site plan.

PARKING SUPPLY-DEMAND ANALYSIS

The parking analysis for the proposed Project involves determining the expected parking needs, based on the size and type of proposed development components versus the parking supply. In general, there are several methods that can be used to estimate the site's peak parking needs. The methods used in this analysis include:

1. Application of City code requirements (which typically treats each tenancy type as a "stand alone" use at maximum demand).
2. Application of shared parking usage patterns by time-of-day (which recognizes that the parking demand for each tenancy type varies by time of day and day of week). The shared parking analysis starts with a code calculation for each tenancy type.

The shared parking methodology is concluded to be applicable to the proposed Project development because the individual land use types (i.e. retail and restaurant) experience peak demands at different times of the day, day of the week and month of the year.

CITY CODE PARKING REQUIREMENT

The code parking calculation for the Project was calculated using parking code requirements per the *City of Ontario Development Code (Rev. 20170606), Division 6.03*

- *Off-Street Parking and Loading, 6.03.015 - Number of Off-Street Parking Spaces*. The following parking ratios were used to determine the required parking:

- **General and Convenience Retail** = 4 Parking Spaces per 1,000 SF of GFA
- **Grocery** = 4 Parking Spaces per 1,000 SF
- **Full Service Restaurants** = 10 Parking Spaces per 1,000 SF of GFA (includes Seating Area up to 25 Percent of GFA)
- **Fast Food Restaurants** = 13.3 Parking Spaces per 1,000 SF of GFA (includes Seating Area up to 25 Percent of GFA). Restaurants with Drive-Thru maybe credited with 1 Space For Each 24 Linear Feet of Drive-Thru Lane behind the Pickup Window.

Table 2 summarizes the parking requirements for the proposed Project based on the *City of Ontario Development Code*. As shown, application of the above-referenced parking code ratios to the development totals results in a code-parking requirement of 569 spaces, consisting of 259 spaces required for proposed retail uses and 310 spaces required to support proposed restaurant/food uses. With an on-site parking supply of 522 spaces, a theoretical parking deficiency of 47 spaces is forecast.

However, the specific tenancy mix of the Project provides an opportunity to share parking spaces based on the utilization profile of each included land use component. The following section calculates the parking requirements for the Project based on the shared parking methodology approach.

SHARED PARKING ANALYSIS

According to the Urban Land Institute's (ULI's) *Shared Parking 2nd Edition* publication, shared parking is defined as parking space that can be used to serve two or more individual land uses without conflict or encroachment. The ULI *Shared Parking* publication provides hourly parking accumulation rates for retail and restaurant uses, as well as other uses to include office, medical office, health club, cinema, hotel, etc. expressed as a percentage of the peak demand for the day.

Shared Parking Methodology

Accumulated experience in parking demand characteristics indicates that a mixing of land uses results in an overall parking need that is less than the sum of the individual peak requirements for each land use. Due to the proposed mixed-use characteristics of the Project, opportunities to share parking can be expected. The objective of this

shared parking analysis is to forecast the peak parking requirements for the Project based on the combined demand patterns of different tenancy types at the site.

Shared parking calculations recognize that different uses often experience individual peak parking demands at different times of day, or days of the week. When uses share common parking footprints, the total number of spaces needed to support the collective whole is determined by adding parking profiles (by time of day for weekdays versus weekend days), rather than individual peak ratios as represented in the City's Zoning Code. In that way, the shared parking approach starts from the City's own code ratios and results in the "design level" parking supply needs of a site.

It should be noted that the "demand" results of the shared parking calculation are intended to be used directly for comparison to site supply. No further adjustments or contingency additions are needed because such contingencies are already built into the peak parking ratios and time of day profiles used in the calculation.

There is an important common element between the traditional "code" and the shared parking calculation methodologies; the peak parking ratios or "highpoint" for each land use's parking profile typically equals the "code" parking ratio for that use. The analytical procedures for shared parking analyses are well documented in the *Shared Parking, 2nd Edition* publication by the Urban Land Institute (ULI).

Shared parking calculations for the analysis utilize hourly parking accumulations developed from field studies of single developments in free-standing settings, where travel by private auto is maximized. These characteristics permit the means for calculating peak parking needs when land use types are combined. Further, the shared parking approach will result, at other than peak parking demand times, in an excess amount of spaces that will service the overall needs of the project.

Key inputs in the shared parking analysis for each land use include:

- Peak parking demand by land use for visitors and employees.
- Adjustments for alternative modes of transportation, if applicable.
- Adjustment for internal capture (captive versus non-captive parking demand), if applicable.
- Hourly variations of parking demand.
- Weekday versus weekend adjustment factors
- Monthly adjustment factors to account for variations of parking demand over the year.

- Applicable parking ratios published in City's Development Code

Please note that for this analysis, no monthly adjustment factors to account for variations of parking demand over the year were applied to provide a conservative parking demand forecast.

Shared Parking Ratios and Profiles

The hourly parking demand profiles (expressed in percent of peak demand) utilized in this analysis and applied to the Project are based on profiles developed by the Urban Land Institute (ULI) and published in *Shared Parking, 2nd Edition*. The ULI publication presents hourly parking demand profiles for several general land use categories, inclusive of the following three (3) Retail, Family Restaurant, and Fast-Food Restaurant. These profiles of parking demand have been used directly, by land use type, in the analysis of this site.

One of the components of the Project is retail space; the ULI retail use profiles are applied directly. In doing so, there is an intermediate step in expressing ULI profiles as a percentage of the week-long peak, thus arriving at a weekday profile and weekend profile each expressed as a percentage of the baseline parking ratio (ULI actually starts with separate ratios for weekday and weekend day, and develops profiles for each accordingly; we've found it more convenient to translate both profiles to a percent of expected maximum demand, which, for retail, turns out to be on a Saturday). The resulting profiles represent the most likely hourly parking demand profile, and are applied to the City's retail parking ratio of 4 spaces per 1,000 SF of GFA. Peak demand for retail uses occurs between 1:00 PM–2:00 PM on weekdays, and 2:00 PM–4:00 PM on weekends. From *Table 1*, up to 64,547 SF of retail floor area is anticipated.

- Major 1: 44,662 SF market/grocery store
- Major 2: 13,140 SF drug store/pharmacy with drive-through
- Shop 3: 6,745 SF of retail/services uses

The ULI *Shared Parking* publication includes several categories for restaurants. For this analysis, the parking profile for family restaurant and fast-food restaurant were utilized as each of the categories match the restaurant tenant mix of the Project as identified by the Project Applicant.

Per ULI, family restaurants are typically lower priced, do not accept reservations, and lack bars or lounges, although some may serve bottled beer or wine with meals. Many serve breakfast as well as lunch and dinner, and many offer both carryout and dine-in options. Examples include cafeteria-style restaurants, pancake houses and moderately-priced ethnic restaurants.

Further, for fast-food restaurants, food is ordered at a counter and then either carried out of the store or to a table. They typically do not serve alcoholic beverages. In addition to carryout and fast-food restaurants, this category would include sandwich shops, coffee shops (such as Starbucks), ice cream shops, and so on.

Like the retail profiles, the restaurant profiles are derived exactly from the ULI baseline and are applied to the City's restaurant parking code. According to the *Shared Parking* publication, family restaurant uses are shown to experience peak demand between 12:00 PM and 1:00 PM on weekdays and weekends, whereas a fast-food restaurant use peak demand occurs between 12:00 PM and 2:00 PM on weekdays and weekends.

For this analysis, the mix of restaurants at the Project, totaling, 30,235 SF, is assumed to fall into the following categories:

- Shop 1: 6,820 SF Family Restaurant
- Shop 2: 5,040 SF Family Restaurant
- Shop 3: 2,455 SF Family Restaurant
- Pad 1: 3,000 SF Fast-Food Restaurant
- Pad 2: 3,320 SF Fast-Food Restaurant
- Pad 3: 1,800 SF Fast-Food Restaurant
- Pad 3: 2,750 SF Family Restaurant
- Pad 4: 5,050 SF Family Restaurant

As noted earlier, no monthly adjustment factors were applied to account for variations of parking demand over the year to provide a conservative parking demand forecast.

Application of Shared Parking Methodology

Tables 3 and *4* present the weekday and weekend parking analysis results, respectively for the Project site, based on the shared parking methodology and

assuming full occupancy of the neighborhood retail center with the anticipated mix of uses as proposed by the Project Applicant.

Columns (1) through (3) of these tables present the parking accumulation characteristics and parking demand of the Project for the hours of 6:00 AM to midnight. Column (4) presents the expected joint-use parking demand for the proposed neighborhood retail center on an hourly basis, while Column (5) summarizes the hourly parking surplus/deficiency for the proposed project compared to an available shared parking supply of 522 spaces. Note that the sizing (floor area) of each land use / tenant, and recommended parking rates are included in the tabular headings of each type.

Based on our experience, the shared parking approach summarized in *Tables 3* through *4* are believed to be the most appropriate in evaluating the parking supply-demand relationships for the proposed Project. The results in these tables are the focus of this parking investigation and recommendations.

Shared Parking Analysis Results

As shown in *Table 3*, the peak parking requirement for the site during a typical weekday totals *468 parking spaces* and occurs at 12:00 PM. In addition, as shown in *Table 4*, the peak parking requirement for the site during a weekend day totals *522 parking spaces* and occurs at 12:00 PM.

As a result, based on a review of *Tables 3* and *4*, the peak shared parking demand for the Project is *522 parking spaces* and occurs at 12:00 PM on a weekend. With an on-site parking supply of 522 parking spaces, *no deficiency of parking spaces* is forecast for the Project. It should be noted that the Project will experience a minimum parking surplus of 54 spaces on a weekday.

Therefore, we conclude that there is adequate parking on site to accommodate the Project's tenant mix.

Appendix A contains the weekday and weekend day shared parking analysis calculation worksheets.

PARKING MANAGEMENT PLAN

This preliminary Parking Management Plan (PMP) outlines the proposed allocation of parking supply on-site and key parking management strategies to maximize the availability of parking for customers and employees of the Project.

As noted above, the results of the shared parking analysis for the New Haven Marketplace indicates that the proposed parking supply of 522 spaces provided will be sufficient to accommodate the peak parking demand of a 94,782 SF retail center with the following mix of uses/tenants:

- ❑ Major 1: 44,662 SF Market/Grocery Store
- ❑ Major 2: 13,140 SF Drug Store/Pharmacy with Drive-Through
- ❑ Shop 3: 6,745 SF Retail/Services Uses
- ❑ Shop 1: 6,820 SF Family Restaurant
- ❑ Shop 2: 5,040 SF Family Restaurant
- ❑ Shop 3: 2,455 SF Family Restaurant
- ❑ Pad 1: 3,000 SF Fast-Food Restaurant
- ❑ Pad 2: 3,320 SF Fast-Food Restaurant
- ❑ Pad 3: 1,800 SF Fast-Food Restaurant
- ❑ Pad 3: 2,750 SF Family Restaurant
- ❑ Pad 4: 5,050 SF Family Restaurant

PMP measures

Specific PMP measures relative to the employee parking operation and short-term parking for customers are described below, and were developed based on the following objectives:

- The PMP should identify where the employees park within the site. Up to 100 spaces during weekday and weekend peak hour will be required to accommodate the parking demand of employees of the retail center.
- The PMP should identify where location of short-term parking spaces for service retail uses and/or “quick serve”/“take-out” food uses, if necessary.
- The Owner will work with tenants of the retail center to implement an employee parking program, with the goal of providing convenient and accessible shopping experience for the customers of the retail center and to leave the most desirable parking spaces near each storefront for use by customers. The location of designated employee parking spaces will be developed in collaboration between the Owner and the tenants. The employee parking spaces will be identified with a white or yellow circle. It is noted that these spaces will be open for customer use.



- The Owner will work with tenants of the retail center to identify the need for “short term/time restricted spaces” on an as need basis, dependent on the needs of the proposed retail and/or food uses. The short-term spaces may be used for “curbside/take out” and/or for service retail-type users (i.e. dry cleaners/laundry, etc.). The number and location of spaces will be determined by the Owner and the potential tenants.

The Owner will work closely with the tenants to insure that both employees and property management work together to provide the best shopping and dining experience for the customers, as well as allowing the most desirable parking spaces to be accessed by the customers rather than the employees.

SUMMARY OF FINDINGS AND CONCLUSIONS

1. The proposed Project consists of development of a commercial-use 94,782 SF neighborhood shopping center and is located on the southwest corner of Ontario Ranch Road and Haven Avenue in the City of Ontario, California. The proposed Project will include a 44,662 SF market, 13,140 SF drug store, 6,745 SF of retail uses and 30,235 SF of restaurant uses with a proposed parking supply of 522 parking spaces.
2. Application of the City of Ontario parking code ratios to the development totals results in a code-parking requirement of 569 spaces. With an on-site parking supply of 522 spaces, a theoretical parking deficiency of 47 spaces is forecast.
3. The peak parking requirement for the site during a typical weekday totals 468 *parking spaces* and occurs at 12:00 PM. In addition, the peak parking requirement for the site during a weekend day totals 522 *parking spaces* and occurs at 12:00 PM. As a result, the peak shared parking demand for the Project is **522 parking spaces** and occurs at 12:00 PM on a weekend. With an on-site parking supply of 522 parking spaces, ***no deficiency of parking spaces*** is forecast for the Project. It should be noted that the Project will experience a minimum parking surplus of 54 spaces on a weekday.

Therefore, we conclude that there is adequate parking on site to accommodate the Project’s tenant mix.

* * * * *

Mr. Gavin Reid
March 30, 2018
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We appreciate the opportunity to prepare this shared parking demand analysis for the New Haven Marketplace project. Should you have any questions or need additional assistance, please do not hesitate to call us at (949) 825-6175.

Very truly yours,
Linscott, Law & Greenspan, Engineers

A handwritten signature in blue ink, appearing to read "R. Barretto", is positioned above the name of the Principal.

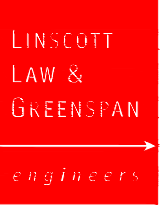
Richard E. Barretto, P.E.
Principal

A handwritten signature in blue ink, appearing to read "Zawwar Saiyed", is positioned above the name of the Senior Transportation Engineer.

Zawwar Saiyed, P.E.
Senior Transportation Engineer



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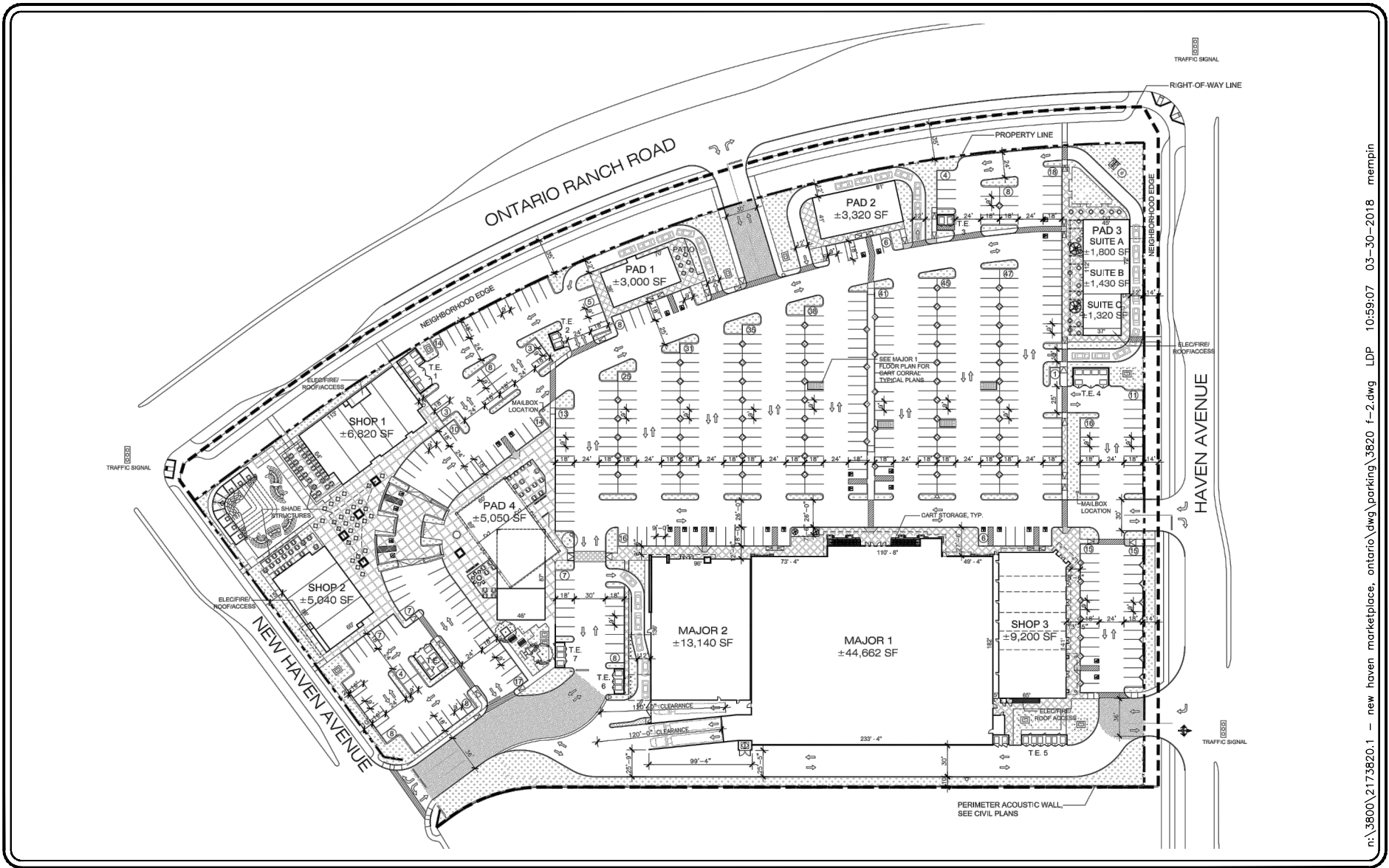
SOURCE: GOOGLE

KEY

 = PROJECT SITE

FIGURE 1

VICINITY MAP
NEW HAVEN MARKETPLACE, ONTARIO



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SOURCE: BICKEL GROUP ARCHITECTURE

FIGURE 2

PROPOSED PROJECT SITE PLAN NEW HAVEN MARKETPLACE, ONTARIO

LINSCOTT
LAW &
GREENSPAN



NO SCALE

engineers

TABLE 1
PROJECT DEVELOPMENT SUMMARY¹

Land Use / Project Description	Project Development Totals Gross Floor Area (SF)
▪ Market (Major 1)	44,662 SF
▪ Drug Store/Pharmacy (Major 2)	13,140 SF
▪ Restaurant (Shop 1)	6,820 SF
▪ Restaurant (Shop 2)	5,040 SF
▪ Retail (Shop 3)	6,745 SF
▪ Restaurant (Shop 3)	2,455 SF
▪ Fast-Food (Pad 1) with drive-through	3,000 SF
▪ Fast-Food (Pad 2) with drive-through	3,320 SF
▪ Fast-Food (Pad 3) with drive-through	1,800 SF
▪ Restaurant (Pad 3)	2,750 SF
▪ Restaurant (Pad 4)	5,050 SF
Total Floor Area	94,782 SF
Parking Supply	522 Spaces

¹ Source: New Haven Marketplace Site Plan prepared by Bickel Group Architecture dated March 19, 2018.

TABLE 2
CITY OF ONTARIO CODE PARKING REQUIREMENTS^{2, 3}

Land Use	Size	ULI Profile	City of Ontario Code Parking Ratio	Spaces Required
<i>Proposed Project Tenant Mix</i>				
Market (Major 1)	44,662 SF	Retail	4 Spaces/1,000 SF	179
Drug Store (Major 2)	13,140 SF	Retail	4 Spaces/1,000 SF	53
Restaurant (Shop 1)	6,820 SF	Family Restaurant	10 Spaces/1,000 SF	68
Restaurant (Shop 2)	5,040 SF	Family Restaurant	10 Spaces/1,000 SF	50
Retail (Shop 3)	6,745 SF	Retail	4 Spaces/1,000 SF	27
Restaurant (Shop 3)	2,455 SF	Family Restaurant	10 Spaces/1,000 SF	25
Fast-Food (Pad 1)	3,000 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF 1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	40 -6
Fast-Food (Pad 2)	3,320 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF 1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	44 -6
Fast-Food (Pad 3)	1,800 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF 1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	24 -8
Restaurant (Pad 3)	2,750 SF	Family Restaurant	10 Spaces/1,000 SF	28
Restaurant (Pad 4)	5,050 SF	Family Restaurant	10 Spaces/1,000 SF	51
City Code Parking Requirement				569
Proposed Parking Supply				522
Parking Surplus/Deficiency (+/-)				-47

² Source: *City of Ontario Development Code (Rev. 20170606)*, Division 6.03 - *Off-Street Parking and Loading*, 6.03.015 - *Number of Off-Street Parking Spaces*.

³ Proposed parking supply based on New Haven Marketplace Site Plan prepared by Bickel Group Architecture dated March 29, 2018.

TABLE 3
WEEKDAY SHARED PARKING DEMAND ANALYSIS

Land Use	Retail	Family Restaurant	Fast-Food Restaurant	Total Spaces =	Comparison w/ Parking Supply 522 Spaces
Size Pkg Rate[2]	64.547 KSF 4 /KSF	22.115 KSF 10 /KSF	8.120 KSF 13.3 /KSF		
Gross Spaces	259 Spc.	222 Spc.	88 Spc.	569 Shared Parking Demand	Surplus (Deficiency)
Time of Day	Number of Spaces	Number of Spaces	Number of Spaces		
6:00 AM	7	45	6	58	464
7:00 AM	17	84	11	112	410
8:00 AM	47	100	19	166	356
9:00 AM	101	121	28	250	272
10:00 AM	162	136	51	349	173
11:00 AM	204	142	77	423	99
12:00 PM	225	155	88	468	54
1:00 PM	233	142	88	463	59
2:00 PM	225	89	80	394	128
3:00 PM	214	78	54	346	176
4:00 PM	214	78	49	341	181
5:00 PM	223	122	54	399	123
6:00 PM	223	127	76	426	96
7:00 PM	223	127	72	422	100
8:00 PM	191	127	46	364	158
9:00 PM	128	98	28	254	268
10:00 PM	74	89	19	182	340
11:00 PM	26	82	11	119	403
12:00 AM	0	42	7	49	473

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

TABLE 4
WEEKEND SHARED PARKING DEMAND ANALYSIS

Land Use	Retail	Family Restaurant	Fast-Food Restaurant	Total Spaces = 569 Shared Parking Demand	Comparison w/ Parking Supply 522 Spaces Surplus (Deficiency)
Size Pkg Rate[2]	64.547 KSF 4 /KSF	22.115 KSF 10 /KSF	8.120 KSF 13.3 /KSF		
Gross Spaces	259 Spc.	222 Spc.	88 Spc.		
Time of Day	Number of Spaces	Number of Spaces	Number of Spaces		
6:00 AM	7	36	6	49	473
7:00 AM	18	72	9	99	423
8:00 AM	42	115	18	175	347
9:00 AM	101	162	26	289	233
10:00 AM	148	203	47	398	124
11:00 AM	184	203	71	458	64
12:00 PM	218	222	82	522	0
1:00 PM	238	194	82	514	8
2:00 PM	259	156	75	490	32
3:00 PM	259	101	50	410	112
4:00 PM	249	110	45	404	118
5:00 PM	235	144	50	429	93
6:00 PM	210	163	70	443	79
7:00 PM	197	163	67	427	95
8:00 PM	174	154	42	370	152
9:00 PM	138	83	26	247	275
10:00 PM	95	68	18	181	341
11:00 PM	39	49	9	97	425
12:00 AM	0	31	6	37	485

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

APPENDIX A

ULI SHARED PARKING ANALYSIS WORKSHEETS

Appendix Table A-1

SHOPPING CENTER (TYPICAL DAYS)
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Shopping Center (Typical Days)				
Size	64,547 KSF				Shared Parking Demand
Pkg Rate[2]	4 /KSF				
Gross Spaces	259 Spaces				
	209 Guest Spc.		50 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	2	9%	5	7
7:00 AM	5%	10	14%	7	17
8:00 AM	14%	29	36%	18	47
9:00 AM	32%	67	68%	34	101
10:00 AM	59%	123	77%	39	162
11:00 AM	77%	161	86%	43	204
12:00 PM	86%	180	90%	45	225
1:00 PM	90%	188	90%	45	233
2:00 PM	86%	180	90%	45	225
3:00 PM	81%	169	90%	45	214
4:00 PM	81%	169	90%	45	214
5:00 PM	86%	180	86%	43	223
6:00 PM	86%	180	86%	43	223
7:00 PM	86%	180	86%	43	223
8:00 PM	72%	150	81%	41	191
9:00 PM	45%	94	68%	34	128
10:00 PM	27%	56	36%	18	74
11:00 PM	9%	19	14%	7	26
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-2

SHOPPING CENTER (TYPICAL DAYS)
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Shopping Center (Typical Days)				
Size	64,547 KSF				Shared Parking Demand
Pkg Rate[2]	4 /KSF				
Gross Spaces	259 Spaces				
	207 Guest Spc.		52 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	2	10%	5	7
7:00 AM	5%	10	15%	8	18
8:00 AM	10%	21	40%	21	42
9:00 AM	30%	62	75%	39	101
10:00 AM	50%	104	85%	44	148
11:00 AM	65%	135	95%	49	184
12:00 PM	80%	166	100%	52	218
1:00 PM	90%	186	100%	52	238
2:00 PM	100%	207	100%	52	259
3:00 PM	100%	207	100%	52	259
4:00 PM	95%	197	100%	52	249
5:00 PM	90%	186	95%	49	235
6:00 PM	80%	166	85%	44	210
7:00 PM	75%	155	80%	42	197
8:00 PM	65%	135	75%	39	174
9:00 PM	50%	104	65%	34	138
10:00 PM	35%	72	45%	23	95
11:00 PM	15%	31	15%	8	39
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-3

FAMILY RESTAURANT
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Family Restaurant				
Size	22.115 KSF				Shared Parking Demand
Pkg Rate[2]	10 /KSF				
Gross	222 Spaces				
Spaces	190 Guest Spc.		32 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	18%	34	35%	11	45
7:00 AM	35%	67	53%	17	84
8:00 AM	42%	80	63%	20	100
9:00 AM	53%	101	63%	20	121
10:00 AM	60%	114	70%	22	136
11:00 AM	63%	120	70%	22	142
12:00 PM	70%	133	70%	22	155
1:00 PM	63%	120	70%	22	142
2:00 PM	35%	67	70%	22	89
3:00 PM	32%	61	53%	17	78
4:00 PM	32%	61	53%	17	78
5:00 PM	53%	101	67%	21	122
6:00 PM	56%	106	67%	21	127
7:00 PM	56%	106	67%	21	127
8:00 PM	56%	106	67%	21	127
9:00 PM	42%	80	56%	18	98
10:00 PM	39%	74	46%	15	89
11:00 PM	35%	67	46%	15	82
12:00 AM	18%	34	25%	8	42

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-4

FAMILY RESTAURANT
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Family Restaurant				
Size	22.115 KSF				Shared Parking Demand
Pkg Rate[2]	10 /KSF				
Gross	222 Spaces				
Spaces	189 Guest Spc.		33 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	10%	19	50%	17	36
7:00 AM	25%	47	75%	25	72
8:00 AM	45%	85	90%	30	115
9:00 AM	70%	132	90%	30	162
10:00 AM	90%	170	100%	33	203
11:00 AM	90%	170	100%	33	203
12:00 PM	100%	189	100%	33	222
1:00 PM	85%	161	100%	33	194
2:00 PM	65%	123	100%	33	156
3:00 PM	40%	76	75%	25	101
4:00 PM	45%	85	75%	25	110
5:00 PM	60%	113	95%	31	144
6:00 PM	70%	132	95%	31	163
7:00 PM	70%	132	95%	31	163
8:00 PM	65%	123	95%	31	154
9:00 PM	30%	57	80%	26	83
10:00 PM	25%	47	65%	21	68
11:00 PM	15%	28	65%	21	49
12:00 AM	10%	19	35%	12	31

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-5

FAST-FOOD RESTAURANT
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Fast-Food Restaurant				
Size	8.120 KSF				Shared Parking Demand
Pkg Rate[2]	13.3 /KSF				
Gross	88 Spaces				
Spaces	75 Guest Spc.		13 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	5%	4	15%	2	6
7:00 AM	10%	8	20%	3	11
8:00 AM	20%	15	30%	4	19
9:00 AM	30%	23	40%	5	28
10:00 AM	55%	41	75%	10	51
11:00 AM	85%	64	100%	13	77
12:00 PM	100%	75	100%	13	88
1:00 PM	100%	75	100%	13	88
2:00 PM	90%	68	95%	12	80
3:00 PM	60%	45	70%	9	54
4:00 PM	55%	41	60%	8	49
5:00 PM	60%	45	70%	9	54
6:00 PM	85%	64	90%	12	76
7:00 PM	80%	60	90%	12	72
8:00 PM	50%	38	60%	8	46
9:00 PM	30%	23	40%	5	28
10:00 PM	20%	15	30%	4	19
11:00 PM	10%	8	20%	3	11
12:00 AM	5%	4	20%	3	7

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-6

FAST-FOOD RESTAURANT
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Fast-Food Restaurant				
Size	8.120 KSF				Shared Parking Demand
Pkg Rate[2]	13.3 /KSF				
Gross	88 Spaces				
Spaces	75 Guest Spc.		13 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	5%	4	14%	2	6
7:00 AM	9%	7	19%	2	9
8:00 AM	19%	14	28%	4	18
9:00 AM	28%	21	37%	5	26
10:00 AM	51%	38	70%	9	47
11:00 AM	79%	59	93%	12	71
12:00 PM	93%	70	93%	12	82
1:00 PM	93%	70	93%	12	82
2:00 PM	84%	63	89%	12	75
3:00 PM	56%	42	65%	8	50
4:00 PM	51%	38	56%	7	45
5:00 PM	56%	42	65%	8	50
6:00 PM	79%	59	84%	11	70
7:00 PM	75%	56	84%	11	67
8:00 PM	47%	35	56%	7	42
9:00 PM	28%	21	37%	5	26
10:00 PM	19%	14	28%	4	18
11:00 PM	9%	7	19%	2	9
12:00 AM	5%	4	19%	2	6

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-015, A CONDITIONAL USE PERMIT TO ESTABLISH THREE (3) DRIVE-THRU RESTAURANTS (1,800 SQUARE-FOOT, 3,000 SQUARE-FOOT AND 3,320 SQUARE-FOOT) IN CONJUNCTION WITH A DEVELOPMENT PLAN TO CONSTRUCT A 94,782 SQUARE-FOOT COMMERCIAL DEVELOPMENT ON 10.06 ACRES OF LAND LOCATED WITHIN THE RETAIL DISTRICT OF PLANNING AREA 10B OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-412-02.

WHEREAS, Frontier Real Estate Investments ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP18-015, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.06 acres of land located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail district of Planning Area 10B of The Avenue Specific Plan, and is presently mass graded; and

WHEREAS, the property to the north of the project site is within the Medium Density Residential District of Planning Area 10A of The Avenue Specific Plan and is currently developed with multi-family residential units. The property to the east is within the Commercial and Residential district of Planning Areas 9A of the Rich Haven Specific Plan and is vacant. The property to the south is within the Low Density Residential district of Planning Area 11 of The Avenue Specific Plan and is mass graded. The property to the west is within the Low Medium Density Residential district of Planning Area 11 of The Avenue Specific Plan and is developed with multi-family residential uses; and

WHEREAS, the Conditional Use Permit proposes to establish three (3) drive-thru restaurants (1,800 square-foot, 3,000 square-foot and 3,320 square-foot) in conjunction with a Development Plan (File No. PDEV17-051) to construct a 94,782 square-foot commercial development, which meets the minimum Commercial development standards of The Avenue Specific Plan; and

WHEREAS, the three drive-thru restaurants will be constructed on Pads 1, 2 and 3 of the shopping center and will feature a single lane drive-thru's having sufficient stacking to accommodate up 7-10 vehicles behind the first drive-thru window (a minimum of 6 stacking spaces is required); and

The anticipated hours of operation for the restaurant and drive-thru's will typically be 6:00 AM to 12:00 PM, Sunday through Thursday, and may be 24-hours on Friday and Saturday.; 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 certified by the City Council on December 19, 2006, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), 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 Planning Commission the responsibility and authority to review and act on the subject Application; and

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

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

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on May 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. [insert DAB Decision #] recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the previous EIR for The Avenue Specific Plan (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous EIR for The Avenue Specific Plan (SCH# 2005071109) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109) Environmental Impact Report, certified by the City of Ontario City Council on December 19, 2006.

(2) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous 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 Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental 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 Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not

one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4: Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and Planning Area 10B (Retail) of The Avenue Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed fast food drive-thru restaurant land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of Planning Area 10B (Retail) land use district of The Avenue Specific Plan.

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed fast food drive-thru restaurant land use

will be located within the Neighborhood Commercial land use district of the Policy Plan Land Use Map, and Planning Area 10B (Retail) land use district of The Avenue Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan.

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed fast food drive-thru restaurant land use is located with the Neighborhood Commercial land use district, and Planning Area 10B (Retail) land use district of The Avenue Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and The Avenue Specific Plan.

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Planning Commission has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of The Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

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

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

SECTION 8: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP18-051
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-051, A DEVELOPMENT PLAN TO CONSTRUCT A 94,782 SQUARE-FOOT COMMERCIAL DEVELOPMENT ON 10.06 ACRES OF LAND LOCATED WITHIN THE RETAIL DISTRICT OF PLANNING AREA 10B OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-412-02.

WHEREAS, Frontier Real Estate Investments ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-051, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.06 acres of land located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail district of Planning Area 10B of The Avenue Specific Plan, and is presently mass graded; and

WHEREAS, the property to the north of the project site is within the Medium Density Residential District of Planning Area 10A of The Avenue Specific Plan and is currently developed with multi-family residential units. The property to the east is within the Commercial and Residential district of Planning Areas 9A of the Rich Haven Specific Plan and is vacant. The property to the south is within the Low Density Residential district of Planning Area 11 of The Avenue Specific Plan and is mass graded. The property to the west is within the Low Medium Density Residential district of Planning Area 11 of The Avenue Specific Plan and is developed with multi-family residential uses; and

WHEREAS, the Development Plan proposes to a 94,782 square-foot commercial development, which meets the minimum Commercial development standards of The Avenue Specific Plan; and

WHEREAS, two Major Buildings, three Multi-Tenant Shop Buildings, and four Restaurant Pad Buildings are proposed with an eclectic array of contemporary barn architecture; 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 certified by the City Council on December 19, 2006, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), 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 Planning Commission the responsibility and authority to review and act on the subject Application; and

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

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

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

WHEREAS, on May 21, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. [insert DAB Decision #] recommending the Planning Commission approve the Application; and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the previous EIR for The Avenue Specific Plan (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous EIR for The Avenue Specific Plan (SCH# 2005071109) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109) Environmental Impact Report, certified by the City of Ontario City Council on December 19, 2006.

(2) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous EIR for The Avenue Specific Plan (SCH# 2005071109) reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous 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 Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental 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 Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Neighborhood Commercial land use district of the Policy Plan Land Use Map, and within Planning Area 10B (Retail) of The Avenue Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and Planning Area 10B (Retail) of The Avenue Specific Plan, including standards relative to the particular land use proposed (commercial), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of The Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area

in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and The Avenue Specific Plan.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of The Avenue Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (commercial). The applicant is proposing to maximize the project site with a number of restaurant uses, therefore the project is deficient by 47 parking spaces and is not in compliance with the off-street parking requirements pursuant to the Development Code. To address the deficiency in the required parking, a shared parking analysis (Per Development Code Division 6.03 – *Off Street Parking and Loading*, Section 6.03.020) was prepared for the project by Linscott, Law and Greenspan, March 30, 2018. The shared parking analysis concluded that the peak parking requirement for the site during a typical weekday is 468 parking spaces that occurs at 12:00 PM. In addition, the peak parking demand for the site during a weekend day is 522 parking spaces which occurs at 12:00 PM. As a result, the peak parking demand for the project is 522 parking spaces that occurs at 12:00 PM on the weekend. The parking supply of 522 parking spaces for the development is sufficient to accommodate the project's proposed tenant mix. As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in The Avenue Specific Plan.

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

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

SECTION 8: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-051
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: May 22, 2018
File Nos: PDEV17-051 and PCUP18-015
Related Files:

Project Description: A Conditional Use Permit (File No. PCUP18-015) to establish three (3) drive-thru restaurants (1,800 square-foot, 3,000 square-foot and 3,320 square-foot) in conjunction with a Development Plan (File No. PDEV17-051) to construct a 94,782 square-foot commercial development on 10.06 acres of land located within the Retail district of Planning Area 10B of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and Haven Avenue; (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

Prepared By: Henry K. Noh, Senior Planner
Phone: 909.395.2429 (direct)
Email: hnoh@ontarioca.gov

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

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

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

2.1 Time Limits.

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

(b) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

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

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

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space. The enhanced pavement shall be constructed within the Neighborhood Edge Lettered Lots, coordinate with the Engineering Department regarding the required encroachment agreement or similar document needed to maintain the enhanced pavers. The enhanced pavement treatment can include decorative stamped concrete, interlocking pavers or other enhanced treatment, including scored and/or colored concrete. Color, pattern, material, and final design and configuration shall be approved by Planning Department.

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

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

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

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

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

2.7 Site Lighting.

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

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

(c) Decorative uplights for key landscape and/or building features shall be provided throughout the development and shall be reviewed and approved by the Planning Department prior to the issuance of building permits.

2.8 Mechanical and Rooftop Equipment.

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

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

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

2.10 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) or through an approved sign program for the development.

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

2.12 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;

(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and

(iv) Utility and drainage easements.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owner and/or occupant in question for all costs incurred.

2.13 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-003, The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 19, 2006. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

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

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

2.15 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

2.16 Additional Requirements.

(a) Final architecture for the proposed project shall be reviewed and approved by the Planning Department prior to the issuance of building permits for consistency with approved entitled plans.

(b) The trash enclosures shall be designed to be consistent with the building architecture.

(c) All applicable conditions of approval of The Avenue Specific Plan shall apply to this project.

(d) All applicable conditions of approval of the "A" Map TT 18922 (File No. PMTT13-010) shall apply to this development.

(e) Enhanced pavement shall be provided for all proposed pedestrian walkways and crosswalks within the project and shall be reviewed and approved by the Planning Department prior to the issuance of grading permits.

(f) A minimum of 6,745 square feet of retail uses shall be provided within the multi-tenant buildings.

(g) A Development Plan for Pad 1 and Pad 2 freestanding drive-thru tenants shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. <u>PDEV17-051</u> RELATED FILE NO(S). <u>TM18922-4</u>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> </u> / <u> </u> / <u> </u>	

CITY PROJECT ENGINEER & PHONE NO: **Naim Khoury,** (909) 395-2152
 Associate Engineer

CITY PROJECT PLANNER & PHONE NO: **Henry Noh,** (909) 395-2429
 Senior Planner

DAB MEETING DATE: **May 21, 2018**

PROJECT NAME / DESCRIPTION: **New Haven Market Place, a
 development project to construct
 commercial shopping center within The
 Avenue SP**

LOCATION: **Southwest corner of Ontario Ranch
 Road and Haven Avenue**

APPLICANT: **Frontier Real Estate/Brookfield**

REVIEWED BY: 5/10/18
 Bryan Liffey, P.E. Date
 Principal Engineer

APPROVED BY: 5-10-18
 Khoi Do, P.E. Date
 Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT PLUS THE CONDITIONS OF APPROVAL FOR TRACT MAP TM18922 – Phase 4, The Avenue Specific Plan and the DA Agreement.

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

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

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



- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

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

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

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario Per Tract Map 18922-4, "Lot 1".**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____ .
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 - Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____
- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____ and _____.
- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 **New Model Colony (NMC) Developments:**
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) **Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall.**
- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$377,501.50, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



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

2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes plus the improvements to be completed per TM18922-4):

Improvement	Ontario Ranch Road	New Haven Drive	Haven Avenue (Improvements)	
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace, as required due to modification and/or trenching for utilities	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement (see section 2.18)	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Grind and overlay due to street modifications and trenching for utilities	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and reconstruct due to trenching or cutting of existing PCC pavm't	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans at new driveway	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans due to new improvements	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans at new driveways	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans at new driveways	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans due to new improvements	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans at new driveways	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping modification (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping modification (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping modification (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to existing for truck turning movements	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans at new signalized intersection	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New <input checked="" type="checkbox"/> Relocation, as required due to new driveway, as required	<input type="checkbox"/> New <input checked="" type="checkbox"/> Relocation due to curb return modification, as required	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans due to new driveways, as required	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Services	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New at main truck entrance <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input checked="" type="checkbox"/> Relocation due to new driveway, as required	<input type="checkbox"/> New / Upgrade <input checked="" type="checkbox"/> Relocation due to curb return modification, as required	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modification to original plans due to new driveways, as required	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Laterals and catch basins	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

Specific notes for improvements listed in Item no. 2.17, above

- a) Trenching or saw cutting existing PCC concrete pavement in Ontario Ranch Road for the proposed driveway shall require reconstruction of the entire concrete panels that will be impacted by this improvement.
- b) The applicant/developer shall be responsible to relocate any existing street lights, fire hydrants, pull boxes and other appurtenances that are impacted by the proposed frontage improvements and modifications for this commercial center to a minimum of 5 feet from driveways beginning of curb returns/BCR's or end of curb returns/ECR's limits.
- c) **Repair of Private Pavement:** In the event that private pavement replacement is needed due to the repair of any public utilities within the public right-of way or public utility easements (PUEs), the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).

- 2.18 **New Haven Drive is newly paved and under moratorium for trenching. Therefore, trenching this newly paved street for street modification and utility services shall require 2-inch grind and overlay of asphalt concrete between Ontario Ranch Road and commercial center entry way, in both directions.**
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **Existing sewer main stub is available for connection to serve this project at New Haven Drive which ultimately connects at Ontario Ranch Road. (Ref. Sewer Drawing Number S16130)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.



- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions:
 - 1) **Onsite Sewer System and Plumbing:** The Onsite Sewer System shall be privately maintained by the property owner and or property owner association and shall meet the following requirements:
 - a. The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to have pretreatment equipment and devices on it, as required by a Wastewater Discharge Permit.
 - b. Each connection from the Onsite Sewer System to the Public Sewer System shall have a monitoring manhole prior to the point of connection.
 - 2) **Wastewater Discharge:** The each Occupant of every building or unit shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.

D. WATER

- 2.27 Existing water main are available for connection to serve this project at Haven Avenue and New Haven Drive. (Ref. Domestic Water Drawing Numbers W15811, W15812 and W16143)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions:

Fire Service and Fire Hydrant Abandonment and Relocation: Abandon fire service and fire hydrant laterals back to water main per City Standard, within the drive approach from New Haven Drive at the southwest of the site; and install fire service and fire hydrant per City Standard, outside of the drive approach. The fire hydrant must be located a minimum of 5 feet from the driveway BCR/ECR.

E. RECYCLED WATER

- 2.30 Existing water main stub is available for connection to serve this project at Haven Avenue and New Haven Drive. (Ref. Recycled Water Drawing Numbers P11430, P11431 and P11576)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.



- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.

- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

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

- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.

- 2.37 Other conditions:

- a) The applicant/developer shall be responsible to design and construct the traffic signal at Haven Avenue and the southerly driveway. The new traffic signal shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
- b) The applicant/developer shall be responsible to provide a southbound left turn pocket at the signalized intersection of Haven Avenue and the southerly driveway for the future development on the eastside of Haven Avenue.
- c) The New Haven Drive and Haven Avenue project driveways shall be designed in accordance with City Standard Drawing No. 1204 and the driveway layout exhibits provided by TAIT Engineering on 4/30/18 (see attached).
- d) The applicant/developer shall be responsible to design and construct striping modifications to New Haven Drive and Haven Avenue necessary to accommodate raised median modifications and project driveways.
- e) The Ontario Ranch Road driveway shall be restricted to right-in/right-out access only.
- f) The Haven Avenue driveway north of the signalized driveway shall be restricted to right-in/right-out access only.
- g) The project frontages of Ontario Ranch Road and Haven Avenue shall be signed "No Stopping Anytime."

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.
(Ref: Storm Drain plan bar code: _____)

- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.



- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 **Other conditions:**
 - a) **The proposed storm drain main in Haven Avenue between Ontario Ranch Road and the County Channel at Bellegrave Avenue (per TM18922-4) must be complete, operational and connected to the storm drain system within this development.**

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

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 **Other conditions:**
 - a) **The hydrodynamic separator details and specifications that show the size and flow rate shall be shown on the plans. Hydrodynamic separators have an overflow bypass, and the detail shall show where the bypass flow will convey. If it is to flow into the CMP system as the plan currently shows, the system needs to be sized to handle the capacity of a larger than 2-yr storm. A 10-yr storm shall be considered. If the bypass will not flow into the system and convey back into the storm drain system which will then connect to the existing 30 inch storm drain system, this shall be shown on the plan. The manhole of the hydrodynamic separator needs to be shown on the plans as well.**
 - b) **With the CMP system size being determined by a volume based approach and the diversion manholes being flow based, the diversions need to divert a flow (Q) greater than the 2-yr as storm as intensities are not constant and enough water needs to be diverted for the CMP system to capture the design volume. Details of the diversion manholes shall be shown on the plans. In addition, the connection to the CMP system detail shall be shown and how the storm water conveys into each section of pipe.**
 - c) **Prepare a Final Geotechnical Investigation and Infiltration Study conducted at the proposed CMP system/infiltration BMP location.**
 - d) **Prepare a Final Water Quality Management Plan (WQMP) based on the PWQMP, prior to**



obtaining any Grading Permits. The Final WQMP shall be submitted to the Engineering Department on the form available on the City or San Bernardino County website.

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.

- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located in Haven Avenue, Ontario Ranch Road and New Haven Drive.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. SOLID WASTE

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>

- 2.52 Other conditions:
- 1) **Solid Waste Collections:** The Developer shall provide all Occupants an informational disclosure with map exhibit showing the designated bin locations for solid waste collections of that commercial unit, based upon the designated collections locations on the Trash Enclosure Plan, to be revised. This informational disclosure with map exhibit shall be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
 - 2) **Solid Waste Handling Plan (SWHP):** The Trash Enclosure Plan, revision dated 4/19/2018, shall be updated and revised in to a SWHP and be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company. The SWHP shall follow the SWHP Guidance Document available from OMUC and shall have at minimum all the following elements:
 - a. **SWHP Content and Format:** The Solid Waste Handling Plan shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (available online at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>) and shall contain, at a minimum, the following elements:
 - i. A statement identifying the Service Requirements being used (e.g. Single Family Detached with automated cans, Multi-family/ Commercial with bins, etc.) and describing the solid waste handling operation (for instance, will there be scouting services, etc.)



- ii. A table utilizing the metrics of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, organics, etc.).
- iii. An Engineering Site Plan drawn to scale that shows :
- iv. A detail of the Solid Waste Vehicle with dimensions and annotation that states the minimum turning radii and path of travel widths actually being used on the plan.
- v. The Solid Waste Vehicle turning movements and paths of travel in each direction of travel and at all intersections. All paths of travel shall be 15 feet wide minimum.
- vi. All parking stalls and parallel parking spaces along all streets, alleys, or aisles.



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

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



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV17-051

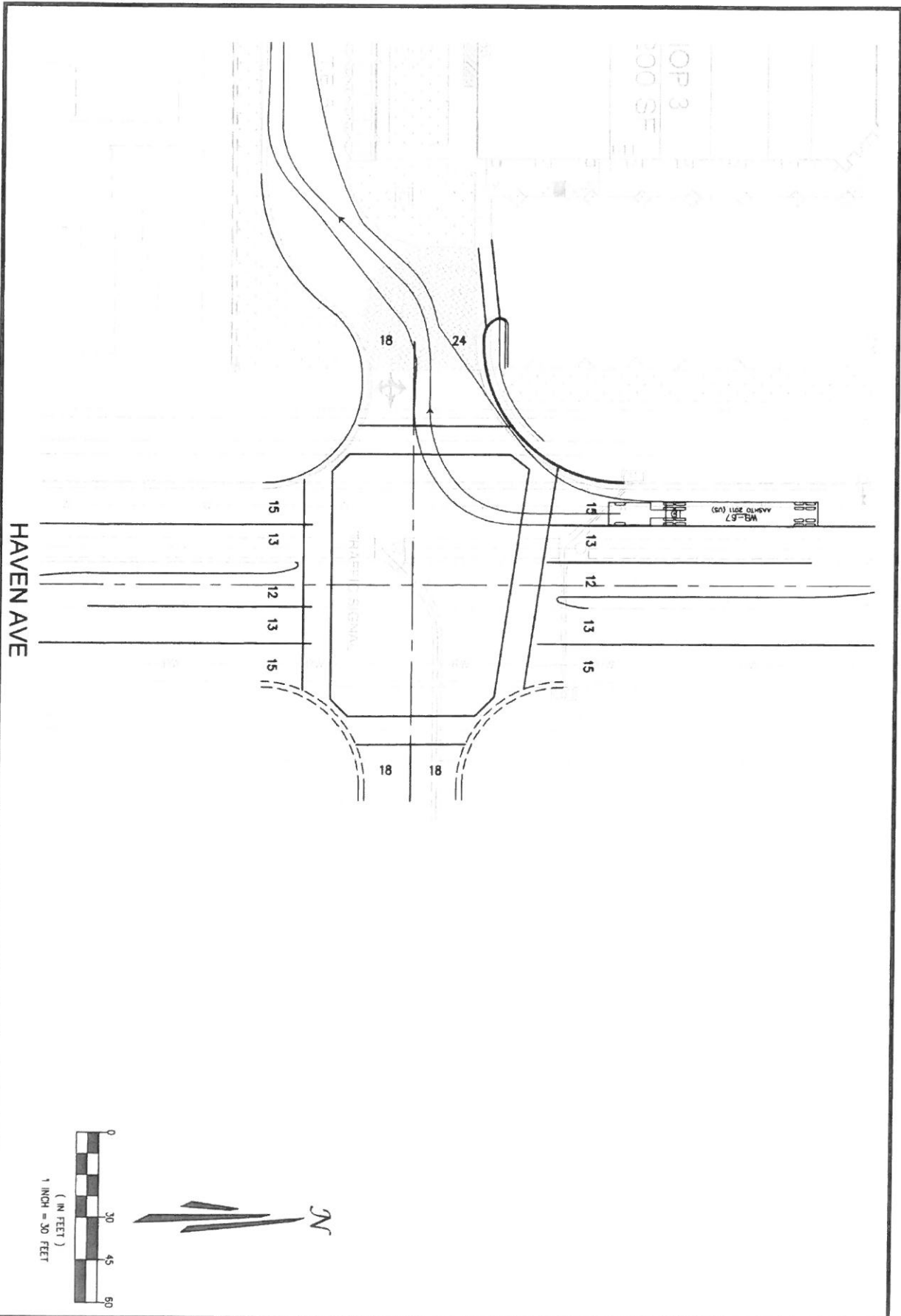
The following items are required to be included with the first plan check submittal:

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

PROJECT FILE: PDEV17-051
PROJECT. ENG: Naiim Khoury
DAB DATE: May 21, 2018



- 23. One (1) copy of Preliminary Title Report (current within 30 days)
- 24. One (1) copy of Traverse Closure Calculations
- 25. One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. Other: _____



DATE:	
CHECKED:	
DATE:	
REVISION #:	
DATE:	
APP. NO.:	

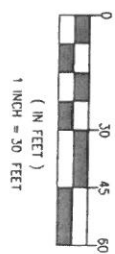
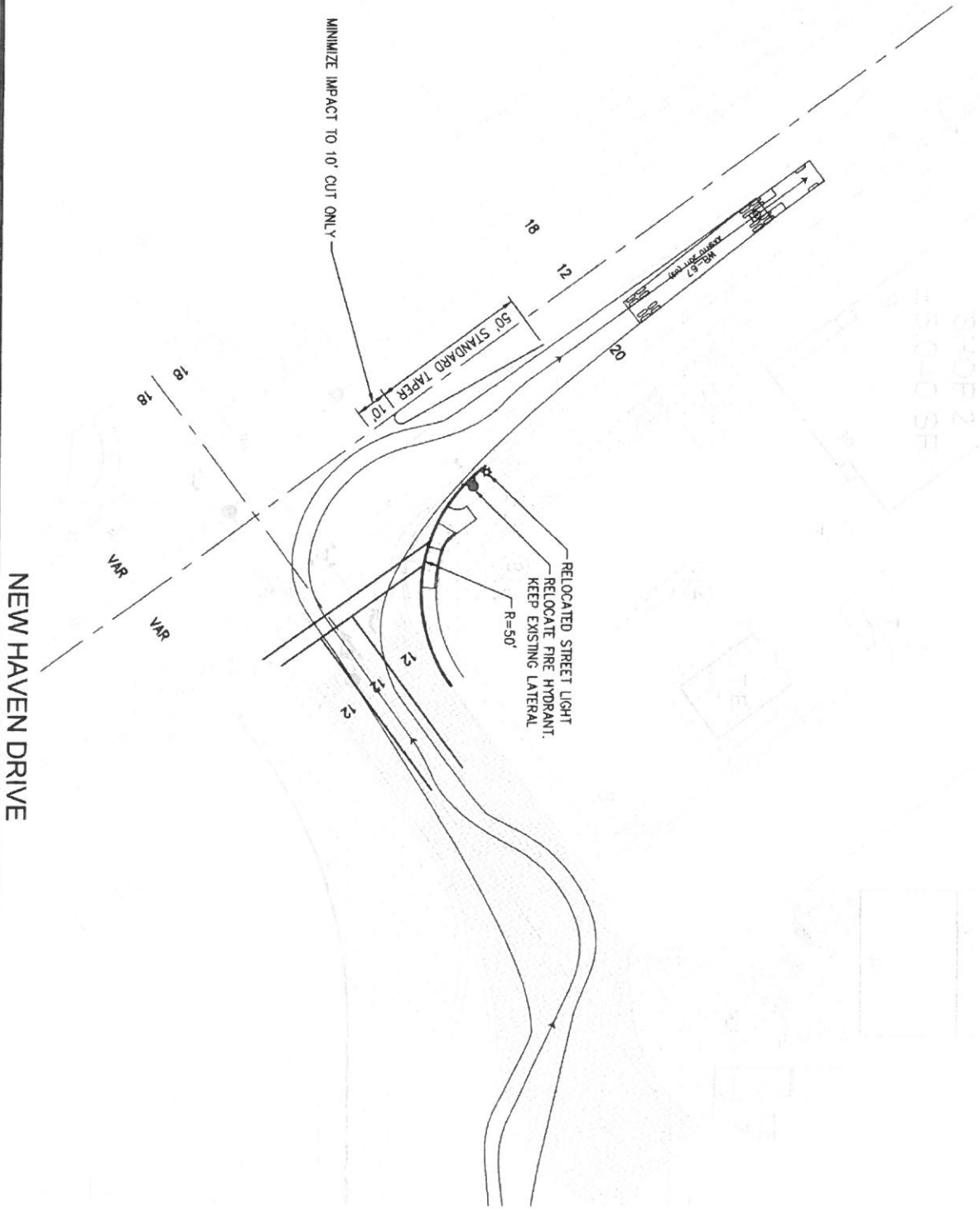
TURNING PATH EXHIBIT: EL'Y ENHTRANCE

TAIT
 CONSULTING ENGINEERS
 1111 14th Street, Suite 100
 San Francisco, CA 94108
 Tel: (415) 774-1111
 Fax: (415) 774-1112
 www.tait.com

NO.	DESCRIPTION	BY	DATE	CHKD.

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NEW HAVEN DRIVE



DRAWN		TURNING PATH EXHIBIT: WLY EXIT		TAIT CONSULTING ENGINEERS 1111 W. 10th Street Saskatoon, Saskatchewan S7N 3X6 Canada Phone: (306) 975-1111 Fax: (306) 975-1112 Website: www.tait.com		NO. _____ DESCRIPTION _____ DATE _____ CHK. _____	
DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
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CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: April 05, 2018

SUBJECT: FILE #: PDEV17-051

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, April 19, 2018**.

PROJECT DESCRIPTION: A Development Plan to construct a commercial shopping center totaling 96,050 square feet, including of two major tenants, three shop tenants, and four pad tenants, on 10.06 acres of land located at the southwest corner of Haven Avenue and Ontario Ranch Road, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02). Related File: PMTT17-010

The plan does adequately address the departmental concerns at this time.

- No comments
- See previous report for Conditions
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

4/17/18

Landscape Planning Carolyn Bell S. Landscape Planner

Department _____ Signature _____ Title _____ Date _____

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

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

5/9/18
 Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
 PDEV17-051 Rev 2

Case Planner:
 Henry Noh

Project Name and Location:
 New Haven Commercial Shopping Center
 SWC Haven and Ontario Ranch Rd

Applicant/Representative:
 Frontier Real Estate/ Bickel Group Architecture, Jessica Steiner
 3600 Birch St Ste 120
 Newport Beach CA 92660

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A Preliminary Landscape Plan (dated 5/8/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval. |

CORRECTIONS REQUIRED

Civil/ Site Plans

1. Revise site plan to meet the Development Code and The Avenue Specific Plan requirements:
 - a. Add parking lot island planters 1 per 10 spaces and at each row end. **Missing along west curved parking rows; west of Pad 1 at neighborhood edge; west of Pad 3, east of Pad 4. Option to add 8- 5'x5' tree well planters within the plaza areas instead of island planters in these locations. See redlines.**
 - b. Add landscape planters or pots along buildings to breakup wide expanses of paving, **Use in front of blank walls or to accent outdoor seating areas**
 - c. Add large tree wells or other spaces for shade trees especially in plaza areas and on the south and west sides of buildings or outdoor spaces. **Wherever possible.**
2. Dimension all planters to have a minimum 5' wide inside dimension with 12" wide curbs, pavers or DG paving with edging where parking spaces are adjacent to planters. **4' planter allowed at SW loading zone for delivery trucks.**
3. ok
4. Show backflows and transformers on plan, and dimension a 4' set back from paving. Relocate DCDA's where shown at prominent entry areas.
5. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations or corner or driveway entry locations. Coordinate utility plans with landscape plans.
6. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
7. Correct section D-D and any other section to change 2:1 slopes to 3:1 slopes.
8. ok

Landscape Plans

9. Show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
10. Show appropriate parking lot shade trees with min 30' canopy at maturity. Remove Cercidium and Prosopis. Show shade trees in parking lots, larger planter and pedestrian areas such as Pistache, Ulmus, Live Oak, Cork Oak or Platanus.
11. Include MAWA calculations. Show formula.
12. ok

13. Note that irrigation plans shall provide separate systems for tree stream bubblers with pc screens.
14. Replace short lived, high maintenance or poor performing plants: Ficus microcarpus, Laurus nobilis (slow growing med shrub, not for tall screen), Pennisetum, Stipa. Consider Elaeagnus, Ligustrum, sesleria autumnalis, dietes or similar. Limit use of ornamental grasses that have an unattractive winter appearance (dead foliage or cut to the ground) and higher maintenance.
15. Note for agronomical soil testing and include report on landscape construction plans
16. Call out all fences and walls, materials proposed and heights.
17. Add tall narrow, evergreen trees along south PL for screening, such as Tristania or Eucalyptus.
18. Add preliminary details or elevations for the proposed fountains, amphitheater, fire pit, monument and other structures.
19. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
20. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
21. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
22. ok
23. Provide details or cut sheets of site amenities such as the fire pit, timber seating, water tower fountain, rope net, etc. for review.
24. Move all plan information to the right side of the sheet instead of left side for legibility.
25. **After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:**

Plan Check—5 or more acres	\$2,326.00
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Inspection—Field - additional.....	\$83.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

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

DATE: October 16, 2017

SUBJECT: PDEV17-051 - A Development Plan to construct a commercial shopping center consisting of two (2) major tenants, three (3) shop tenants, and four (4) pad tenants totaling 96,050 square feet on 10.06 acres of land located at the southwest corner of Haven Avenue and Ontario Ranch Road, within Retail land use district of The Avenue Specific Plan (APN): 0218-412-02).

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Not Listed (Type V)
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Multiple, totaling 96,050 Sq. Ft.
- D. Number of Stories: 1
- E. Total Square Footage: 96,050 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): Retail (B)

CONDITIONS OF APPROVAL:

1.0 GENERAL

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

2.0 FIRE DEPARTMENT ACCESS

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

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 5,000 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

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

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard ~~Choose an item.~~ All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Douglas Sorel, Police Department

DATE: October 26, 2017

SUBJECT: PDEV17-051 – A DEVELOPMENT PLAN TO CONSTRUCT A
COMMERCIAL SHOPPING CENTER AT HAVEN AVENUE AND
ONTARIO RANCH ROAD

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

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: October 04, 2017

SUBJECT: FILE #: PDEV17-051 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, October 18, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan to construct a commercial shopping center consisting of two (2) major tenants, three (3) shop tenants, and four (4) pad tenants totaling 96,050 square feet on 10.06 acres of land located at the southwest corner of Haven Avenue and Ontario Ranch Road, within Retail land use district of The Avenue Specific Plan (APN): 0218-412-02).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Airport Planning Department
Signature: *[Handwritten Signature]*
Title: Senior Planner
Date: 10/28/17

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-051
 Address: Southwest corner of Haven Ave. & Ontario Ranch Road
 APN: 0218-412-02
 Existing Land Use: Vacant
 Proposed Land Use: 96,050 SF multi-tenant commercial retail shopping center
 Site Acreage: 10.06 Proposed Structure Height: 47 ft
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Henry Noh
 Date: 11/28/17
 CD No.: 2017-074
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 ft +	
<input type="radio"/> Zone 5			

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: 

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT,
FROM: BUILDING DEPARTMENT, Pedro Rico
DATE: October 18, 2017
SUBJECT: PDEV17-051

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

Conditions of Approval

1. Standard Conditions of Approval apply.

PR: kb



PLANNING COMMISSION STAFF REPORT

May 22, 2018

SUBJECT: A Development Agreement (File No. PDA17-004) between the City of Ontario and Colony Commerce Center LLC, to establish the terms and conditions for the potential development of up to 1,379,501 square feet of industrial development on 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan. (APNs: 0218-292-05 and 0218-311-11); submitted by Prologis LP.

PROPERTY OWNER: Joseph and Doleen Borba Administrative Trust

RECOMMENDED ACTION: That the Planning Commission recommend to the City Council approval of File No. PDA17-004, A Development Agreement between the City of Ontario and Colony Commerce Center LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan, and is depicted in **Figure 1: Project Location**. The project site gently slopes from north to south and is vacant and previously used for dairy/agriculture uses.

PROJECT ANALYSIS:

[1] Background On October 3, 2017, the City Council approved the Colony Commerce Center West Specific Plan (File No. PSP15-001) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 123.17 acres of land, which includes the potential development



Figure 1: Project Location

Case Planner:	Rudy Zeledon, Asst. Planning Director	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	N/A	N/A	
Submittal Date:	08/16/2017	ZA			
Hearing Deadline:	N/A	PC	05/22/2018		Recommend
		CC			Final

of 2,951,146 square feet of industrial development. The applicant, Prologis LP., has submitted a Development Plan (File No. PDEV17-052) to construct a 1,255,517 square foot industrial building within Planning Area 1 of the Specific Plan. The Development Plan entitlement will be coming forth to the Planning Commission for review and approval at a future date. The applicant has requested to go forward with the Development Agreement, prior to the development entitlement approval to establish the terms for the development of Planning Area 1 of the Colony Commerce Center West Specific Plan.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Colony Commerce Center LLC, has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

In accordance with California Government Code Section 65865 that states, in part, that “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...” and California Government Code Section 65865.52 which states, in part, that a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 that sets forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it creates to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement staff would recommend to the Planning Commission and City Council.

The proposed Development Agreement with the Owner is based upon the model development agreement that was developed in coordination with the City attorney’s office and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The LLC agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] Staff Analysis —The Development Agreement proposes to include 57.58 acres of land within Planning Area 1 of the Colony Commerce Center West Specific Plan as shown attached **Exhibit “A”**. The Agreement grants Colony Commerce Center LLC, a vested right to develop Planning 1 of the Specific Plan, as long as Colony Commerce Center LLC, complies with the terms and conditions of the Colony Commerce Center West 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, and fire, 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.

Staff finds that the Development Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Commission finds the Development Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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

[1] City Council Goals.

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

[2] Vision.

Distinctive Development:

- Infrastructure
 - Infrastructure systems that are properly sized to support approved land uses and their occupancy and are maintained in a timely fashion through funding by user groups.

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

➤ G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element – Balance

▪ Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and make it possible for people to live and work in Ontario and maintain a quality of life.

➤ LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

➤ LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Land Use Element — Phased Growth

▪ Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.

➤ 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.

➤ LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Community Design Element — Protection of Investment

▪ Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

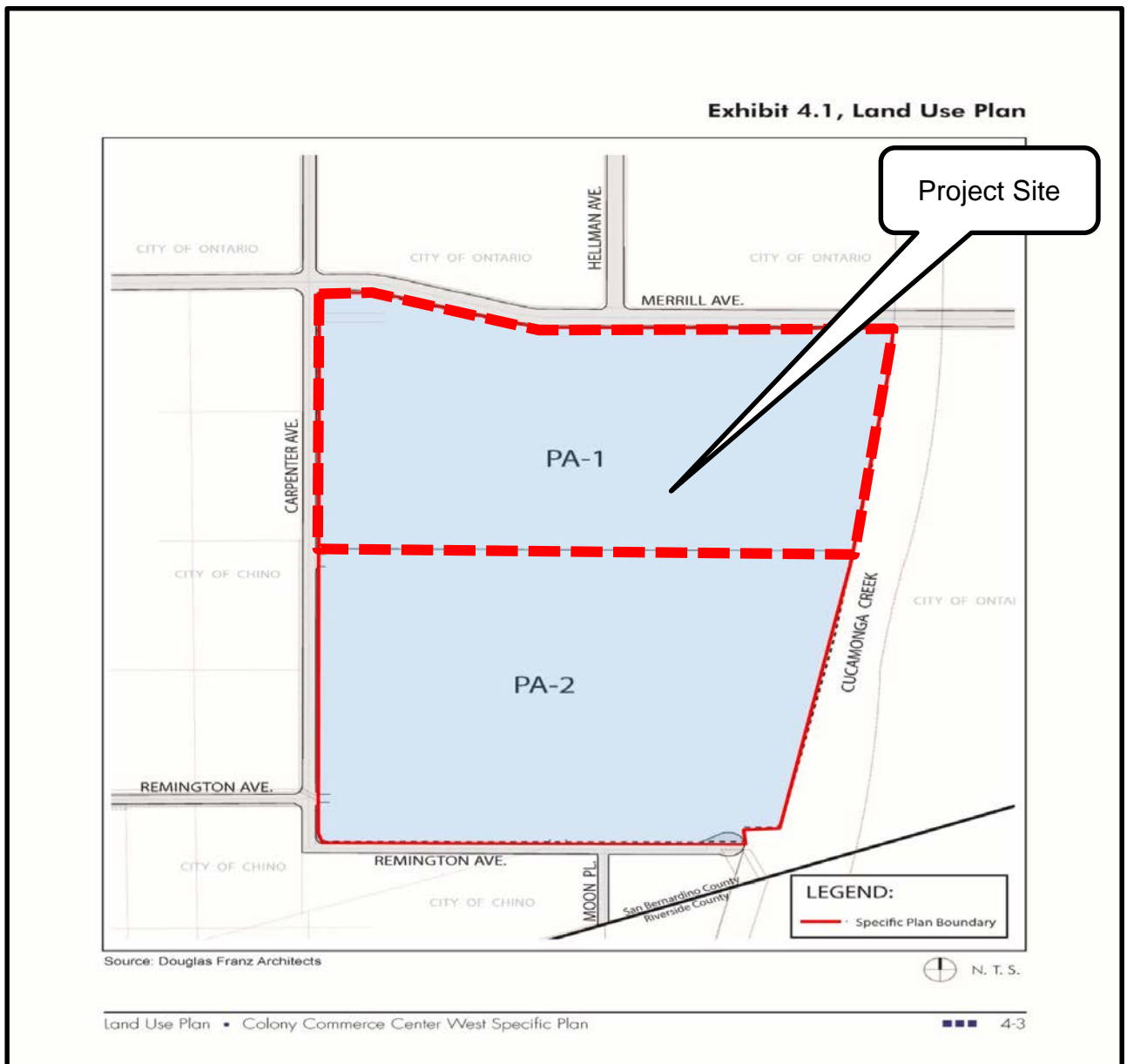
➤ CD5-2 Improvements to property and Infrastructure. We provide programs to improve property and Infrastructure

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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: The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

Exhibit "A" Colony Commerce Center West Specific Plan



RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-05 AND 0218-311-11).

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 resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between Colony Commerce Center LLC., and the City of Ontario, File No. PDA17-004, concerning 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on August 22, 2017, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC17-054 recommending City Council certification of the Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and Issued Resolution PC17-055 recommending to City Council approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001); and

WHEREAS, on October 3, 2017, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Ordinance 3080 for the certification of the Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and issued Resolution 2017-118 approving the Colony Commerce Center West Specific Plan (File No. PSP15-001); and

WHEREAS, the environmental impacts of this project were analyzed in the Colony Commerce Center West Specific Plan (File No. PSP15-001) EIR (SCH# 2015061023), which was certified by the City Council on October 3, 2017. This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, the project is contingent upon City Council approval of the Colony

Commerce Center West Specific Plan and certification and adoption of EIR (SCH# 2015061023); and

WHEREAS, on May 22, 2018 the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement, and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1. Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and supporting documentation. Based upon the facts and information contained in the Colony Commerce Center West Specific Plan EIR (SCH# 2006051081) and supporting documentation, the Planning Commission finds as follows:

a. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) reflects the independent judgment of the Planning Commission; and

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

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

(1) Does not constitute substantial changes to the EIR that will require major revisions to the 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 EIR was prepared, that will require major revisions to the 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 EIR was reviewed, that shows any of the following:

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

(b) Significant effects examined will be substantially more severe than shown in the 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 EIR 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 Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the 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 Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones

(ALUCP Map 2-5).). 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. As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on August 22, 2017, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:

a. The Development Agreement applies to of 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan, and is presently vacant and previously used for dairy and agricultural uses; and

b. The property to the north of the Project Site is zoned SP/AG (Specific Plan/ Agriculture Preserve), and is presently used for agricultural purposes. The property to the east is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within Planning 2 (Industrial zone) of the Colony Commerce Center West Specific Plan and developed with agriculture uses. The property to the west is within the City of Chino and currently under construction with industrial buildings; and

c. The Development Agreement establishes parameters for the development Planning Area 1 of the Colony Commerce Center West Specific Plan for industrial development. The Development Agreement also grants Colony Commerce Center 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 Colony Commerce Center West Specific Plan.

d. The Development Agreement focuses 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan; and

e. The Development Agreement will provide for the development of up to 1,379,501 square feet of industrial uses as established for Planning Area 1 of the Colony Commerce Center West 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 were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) and certified by the City Council on October 03, 2017. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. *Planning Commission Action.* Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in the Colony Commerce Center West 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. *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of May 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

Planning Commission Resolution
File No. PDA17-004
May 22, 2018
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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. **PC18-XX** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 22, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

Planning Commission Resolution
File No. PDA17-004
May 22, 2018
Page 9

Exhibit "A"
Development Agreement
Between
The City of Ontario and Colony Commerce Center LLC.
File No. PDA17-004
(Document 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

COLONY COMMERCE CENTER LLC

a Delaware limited liability company

_____, 2018

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA17-004

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 Colony Commerce Center 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 Section 4.01.015 of the Ontario Development Code; and

WHEREAS, OWNER is the lessee of the Property pursuant to the terms of a sixty nine year ground lease, but is defined herein as OWNER as a result of the fact that OWNER will construct and operate the Project contemplated herein;

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 approving the Project, the Agreement, the Colony Commerce Center Specific Plan and the Final Environmental Impact Report (State Clearinghouse No. 2015061023 (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 Colony Commerce Center 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 order to assure development of the Property in accordance with this Agreement; 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, 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’s Property is within the modified boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders and the Property covered by this Agreement is what is known as a “Phase 2 Water Property”; as such, the OWNER 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 as shown on Exhibit “I-1”;and

WHEREAS, Owner is made aware of the South Archibald Trichloroethylene (TCE) Plume “Disclosure Letter” (Exhibit “J”). To the extent applicable, Owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 **Definitions.** The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all future amendments thereto and including the 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, and 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 entered into between the CITY and NMC Builders, LLC as of the 19th day of September, 2017.

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) general plans, specific plans and specific plan amendments;
- (b) tentative and final subdivision, and parcel maps and Development Plans;
- (c) development plan review.

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 on or 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 date of the first reading of the Ordinance adopting and approving this Agreement. 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 such date.

1.1.12 "General Plan" means the The Ontario Plan adopted on January 26, 2010.

1.1.13 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in Development Plan No.17-052 and as further described in Exhibits "F-1 through F-7" (the "Infrastructure Improvements Exhibits").

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 "Net MDD" means net maximum daily water demand.

1.1.17 "NMC Builders" means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony operating as NMC Builders, LLC.

1.1.18 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.19 "Phase 2 Water EDUs" means the number of equivalent dwelling units or non-residential square footage assigned to OWNER 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 the future water infrastructure Improvements required for the issuance by CITY of the "Water Availability Equivalents" (WAE) for the Project.

1.1.21 "Phase 2 Water Participation Fee" means the fee paid to CITY upon CITY approval of the first Development Approval for the Project, to fund the Property'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 square feet, and land use category for non-residential square footage of the Project.

1.1.22 "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.

1.1.23 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.24 “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 3.4 of this Agreement.

1.1.25 “Amendment to the Construction Agreement” means the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY’s future construction of the “Phase 2 Water Improvements” described in a modification to Exhibit C-3 of the Construction Agreement.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Colony Commerce Center West Specific Plan.”

1.1.27 “Subsequent Development Approvals” means all discretionary Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.28 “Subsequent Land Use Regulations” means any discretionary 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 Development Plan No. 17-052 shall be based upon water demand factors and assumptions listed in the Construction Agreement and shown in Exhibit “I-2”.

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” — (Not Used)

Exhibit “F” — Infrastructure Improvements Exhibits

Exhibit F-1 Domestic Water

Exhibit F-2 Recycled Water

- Exhibit F-3 Sewer
- Exhibit F-4 Storm Drain
- Exhibit F-5 Streets
- Exhibit F-6 Bridge Expansion
- Exhibit F-7 Fiber Optic Communications

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-1" – Ontario Ranch Water Supply Phasing Plan

Exhibit "I-2" – Water Demand Equivalents by Land Use

Exhibit "J" - 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 has a legal or equitable interest in the Property pursuant to the terms of a sixty nine year ground lease on the Property. To the extent OWNER does not own fee simple title to the Property, OWNER shall, prior to the Effective Date, 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) 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 its leasehold interest in the Property, pursuant to the terms of the sixty-nine year ground lease on the Property, 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 made pursuant to the terms of the sixty-nine year

ground lease of the Property shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to Owner's leasehold interest in the Property 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 of OWNER'S leasehold interest in the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume (Exhibit "J"). OWNER may wish to provide the attached Disclosure Letter (Exhibit I) 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 OWNER'S leasehold interest in the portion of the Property so sold, transferred or assigned.

(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 made pursuant to the terms of the sixty-nine year ground lease of the Property, 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 OWNER'S leasehold interest in 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 an agreement as required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee of OWNER'S leasehold interest in the Property provides CITY with security equivalent to any security previously provided by

OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon the OWNER'S leasehold interest in the Property sold, transferred or assigned.

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 leasehold interest in the property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The assignee's exercise, use and enjoyment of the OWNER'S leasehold interest in 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.

(a)

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.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities, Phase 2 Water Participation Fees or services mitigation fees paid pursuant to Sections 4.2 and 4.4 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within thirty (30) days.

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:

Tyson Chave
COLONY COMMERCE CENTER LLC
a Delaware limited liability company
3546 Concoors Street, Suite 100
Ontario, CA 91764
tchave@prologis.com

With a copy to:

Thomas Donahue
3546 Concoors Street, Suite 100
Ontario, CA 91764
tdonahue@prologis.com

With a copy to:

John A. Ramirez
Rutan & Tucker, LLP
611 Anton Blvd.
Costa Mesa, CA 92626
jramirez@rutan.com

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, 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 in Section 3.4, 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.

3.3.1 Infrastructure Improvement Exhibits. Attached hereto as Exhibit "F-1" through "F-7" are a description of the Infrastructure Improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 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 and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants 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 and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict with this Agreement but to which the OWNER consents.

3.4.2 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 and/or the Existing Development Approvals, 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 and/or the Existing Development Approvals.

3.4.3 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).

3.4.4 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.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of project approval to construct any public works facilities which will be dedicated to CITY or

any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall to the extent possible 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.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the Cucamonga Creek Channel as described in Exhibit F-4. OWNER shall be responsible for the construction of the necessary extension of storm drain facilities, as described in Exhibit F-4. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY. OWNER agrees that OWNER shall not sublease or assign OWNER's interest in the Property or any portion thereof, nor shall OWNER request (and CITY shall not issue) a final occupancy permit for any building prior to completion of the storm drain Improvements described in Exhibit F-4. OWNER and CITY agree that OWNER shall perform the following, prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the Storm Drain Improvements in Merrill Avenue as described in Exhibit F-4;
- b. Complete the construction of the Storm Drain Improvements in Merrill Avenue, with the exception of the final connection to the Cucamonga Creek Channel requiring permits from the County of San Bernardino County and the Army Corps of Engineers (ACOE);
- c. Submit completed applications to the County of San Bernardino and the Army Corps of Engineers for all permits required for the connection of the Storm Drain Improvements to Cucamonga Creek Channel;
- d. Make all commercially reasonable efforts to receive approval from the Army Corps of Engineers for construction plans for the connection of the Merrill Avenue Storm Drain Improvements to the Cucamonga Creek Channel;
- e. Provide to CITY, written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the Army Corps of Engineers. A summary of communications (email and telephone) communications requesting status updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.

Upon satisfaction of the above conditions by OWNER, CITY shall consider OWNER's request for the issuance of a temporary occupancy permit. CITY agrees that such

temporary occupancy permit may remain valid until such time that OWNER completes the construction of the final connection of the Merrill Avenue Storm Drain Improvements to the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the Storm Drain Improvements by the County of San Bernardino and the Army Corps of Engineers, OWNER shall construct and complete the final connection of the Storm Drain Improvements to the Cucamonga Creek Channel. OWNER agrees that OWNER shall complete the construction of the final connection of the Storm Drain Improvements to the Cucamonga Creek Channel prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

3.5.2 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit F-5. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibits F-5. For purposes of the foregoing, street improvements shall be deemed Substantially Complete if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to Substantial Completion of the street improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements.

3.5.3 OWNER agrees that development of the Project shall require the construction of the widening of the Merrill Avenue bridge over the Cucamonga Creek Channel as described in Exhibit F-6. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the bridge expansion Improvements described in Exhibit F-6. OWNER and CITY agree that OWNER shall have completed the following, prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the Merrill Avenue Bridge Improvements as described in Exhibit F-6;
- b. Submit completed applications to the County of San Bernardino and the Army Corps of Engineers (ACOE) for all permits required for the construction of the Merrill Avenue Bridge Improvements in Cucamonga Creek Channel;
- c. Make all commercially reasonable efforts to receive approval from the Army Corps of Engineers for construction plans for the Merrill Avenue Bridge Improvements;

- d. Provide to CITY written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the Army Corps of Engineers. A summary of communications (email and telephone) communications requesting status updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.;

Upon satisfaction of the above conditions by OWNER, then CITY shall consider OWNER's request for a temporary occupancy permit. CITY agrees that such temporary occupancy permit may remain valid until such time that OWNER completes the construction of the final Merrill Avenue Bridge Improvements can be completed over the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the Merrill Avenue Bridge Improvements by the County of San Bernardino and the Army Corps of Engineers, OWNER shall construct and complete the Merrill Avenue Bridge Improvements. OWNER agrees that OWNER shall complete the construction of the Merrill Avenue Bridge Improvements prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

3.5.4 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility Improvements as described in Exhibit F-1 and F-2 consisting generally of the construction of the extension of permanent master planned water and recycled water utility Improvements to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the water and recycled water improvements described in Exhibit F-1 and F-2. CITY agrees that OWNER may request a temporary occupancy permit for a building and, if OWNER requests that a temporary certificate of occupancy be issued for a building prior to the completion of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property that CITY shall consider such request and may issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water and recycled water improvements. OWNER agrees that OWNER shall not make such a request until there is permanent water and recycled water service from a minimum of one point of connection and sufficient water is available for fire protection purposes for any other buildings while under construction. OWNER and CITY agree that a portion of the water utility Improvements described in Exhibit F-1 may be constructed by others. If such water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water utility Improvements constructed and completed by others and accepted by CITY.

3.5.5 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements as described in Exhibit F-3. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit F. CITY agrees that OWNER may request and, if requested by OWNER, CITY shall consider and may issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit F-3. OWNER and CITY agree that a portion of the sewer Improvements described in Exhibit F-3 may be constructed by others. If sewer Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those sewer Improvements constructed and completed by others and accepted by CITY.

3.6 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 within OWNER'S CONTROL ("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 3.6 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 within OWNER's control, 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.

3.6.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not within OWNER's control, but such requirement is not based upon the Construction Agreement, Sections 3.6.1 and 3.6.2 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 3.6.1 The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 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.

3.6.2 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. If CITY is unable or unwilling to acquire Non-Construction Agreement Offsite Property, then OWNER is relieved of any condition of approval or requirements requiring the acquisition of such Non-Construction Agreement Offsite Property, and the CITY shall not refuse to issue building permits or occupancy permits based on the failure to acquire such Non-Construction Agreement Offsite Property.

3.7 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.

3.8 Tentative Parcel Maps; Extension. With respect to applications by OWNER for tentative parcel 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 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 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 building (subject to the application/use of available fee credits), 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.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the Ontario Ranch area shall 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 Exhibits "F-1" through "F-7" and any and all Development Plan conditions. Unless otherwise specified in the Development Plan conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each Development Plan, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Development Plan 17-052.

4.3.2 Availability and Use of Recycled Water. OWNER 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

4.3.3 Construction of DIF Program Infrastructure To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program, CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations 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. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. 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 Public Services Funding Fee.

4.4.1 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 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.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Fifty-Nine Cents (\$.59) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis 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

4.5 Net MDD/Water Availability Equivalents.

4.5.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders 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 and/or OWNER. OWNER acknowledges that 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, except to the bearer of a Certificate of Net MDD Water Availability.

4.5.2 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 4.5.3 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.

4.5.3 CITY Issuance of Water Availability Equivalents. Within 30 days after the effectiveness 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 Regional Water DIF for the applicable land use category, the maximum square footage of the structures within Planning Area 1 of the Colony Commerce Center Specific Plan of 1,379,501 Square Feet. The calculated amount of the Phase 2 Water Participation Fee shall be paid to CITY within 30 days after the effectiveness 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 Development Plan 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's complete payment as required this Section, 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.

4.6 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 OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.7 Compliance with Public Benefits Requirements.

4.7.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, 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. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Development Plan, the property subject to such Development Plan shall be included in a CFD to finance City services through annual special taxes that will initially be \$.30 per square foot for Non-Residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. 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. The parties hereto, by this provision, shall not 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.

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:

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) 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 this Agreement 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. [OMITTED]

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. 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 and OWNER as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default

within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, to the extent 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, to the extent 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 during OWNER'S period of leasehold interest in the Property, including, but not limited to, soil and groundwater conditions caused by OWNER but not including any CITY liability related to South Archibald Trichloroethylene (TCE) Plume , 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.

(a)

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 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.

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.

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 requested by Owner 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”

COLONY COMMERCE CENTER LLC
a Delaware limited liability company

By: _____
Name: Tyson Chave
Title: Senior Vice 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

STATE OF CALIFORNIA

COUNTY OF _____)

On _____, 2018, before _____ me,
_____, Notary Public, personally appeared _____, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

That portion of Government Lot 3 and the Northwest 1/4 of the Southeast 1/4 of Section 22, Township 2 South, Range 7 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Township Plat thereof described as follows:
Commencing at the Northwesterly corner of said Government Lot 3;

Thence South 89°46'36" East 30.00 feet along the northerly line of said Government Lot 3, to the easterly line of Carpenter Street as established by Resolution 96.37, recorded March 5, 1996 as Instrument No. 96-76690 Official Records of said County and the **Point of Beginning**;

Thence South 00°01'47" West 25.00 feet, parallel with the westerly line of said Government Lot 3;

Thence North 89°46'36" West 5.00 feet to the easterly line of Carpenter Avenue, 50 feet wide, as per Record of Survey filed in Book 3 of Records of Survey, Page 71 in said County;
Thence South 00°01'47" West 1165.32 feet, along said easterly line to a line that is 129.75 feet northerly of and parallel with the southerly line of said Government Lot 3;

Thence South 89°46'24" East 2020.61 feet along said parallel line to the westerly line of the property conveyed to San Bernardino County Flood Control District by Deed Recorded September 27, 1977 in Book 9271 Page 539 Official Records, being on a 7900.00 foot radius non-tangent curve, concave northwesterly, to which a radial line bears South 82°32'52" East; Thence Northeasterly 185.93 feet along the arc of said curve and said westerly line through a central angle of 01°20'55";

Thence North 06°06'13" East 462.37 feet to the beginning of a 11900.00 foot radius curve, concave northwesterly;

Thence Northeasterly 422.89 feet along the arc of said curve through a central angle of 02°02'10";

Thence North 22°34'01" West 86.35 feet;

Thence North 55°16'51" West 35.01 feet to the southerly line of Merrill Avenue, 50 feet wide, as per said Record of Survey filed in Book 3 of Records of Survey, Page 71;

Thence North 89°46'36" West 1453.21 feet, leaving said westerly line and along said southerly line, to the beginning of a 1044.00 foot radius non-tangent curve, concave northeasterly, to which a radial line bears South 11°10'16" West, said curve being concentric with and 69.00 feet distant southerly of that certain reverse curve having a radius of 975 feet as described in Deed to said County recorded on August 17, 1943, in Book 1631, Page 7, Official Records of said County;

Thence Northwesterly 104.70 feet along the arc of said curve and said southerly line through a central angle of 05°44'45" to the northerly line said Government Lot 3;
Thence North 89°46'36" West 506.94, along said northerly line to the **Point of Beginning**.

APNS: 0218-292-05 AND 0218-311-11

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On August 22, 2017, the Planning Commission:

- a) Issued Resolution No. issued Resolution PC17-054 recommending City Council certification of the Colony Commerce Center West Specific Plan EIR.
- b) Issued Resolution PC17-055 recommending City Council approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001).

On October 3, 2017, the City Council:

- a) Issued Resolution 2017-118 to certifying the Colony Commerce Center West Specific Plan EIR (SCH #2015061023).
- b) Adopted Ordinance No. 3080 approving the Colony Commerce Center West Specific Plan EIR.

On May 22, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-0XX recommending City Council approval of the Development Agreement (File No. PDA17-004).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Colony Commerce Center West Specific Plan (File No. PSP15-001) Environmental Impact Report, Resolution No. 2017-118
2. The Colony Commerce Center West Specific Plan (File No. PSP15-001), Ordinance No. 3080.
3. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code

EXHIBIT "F-3"

Required Infrastructure Improvements

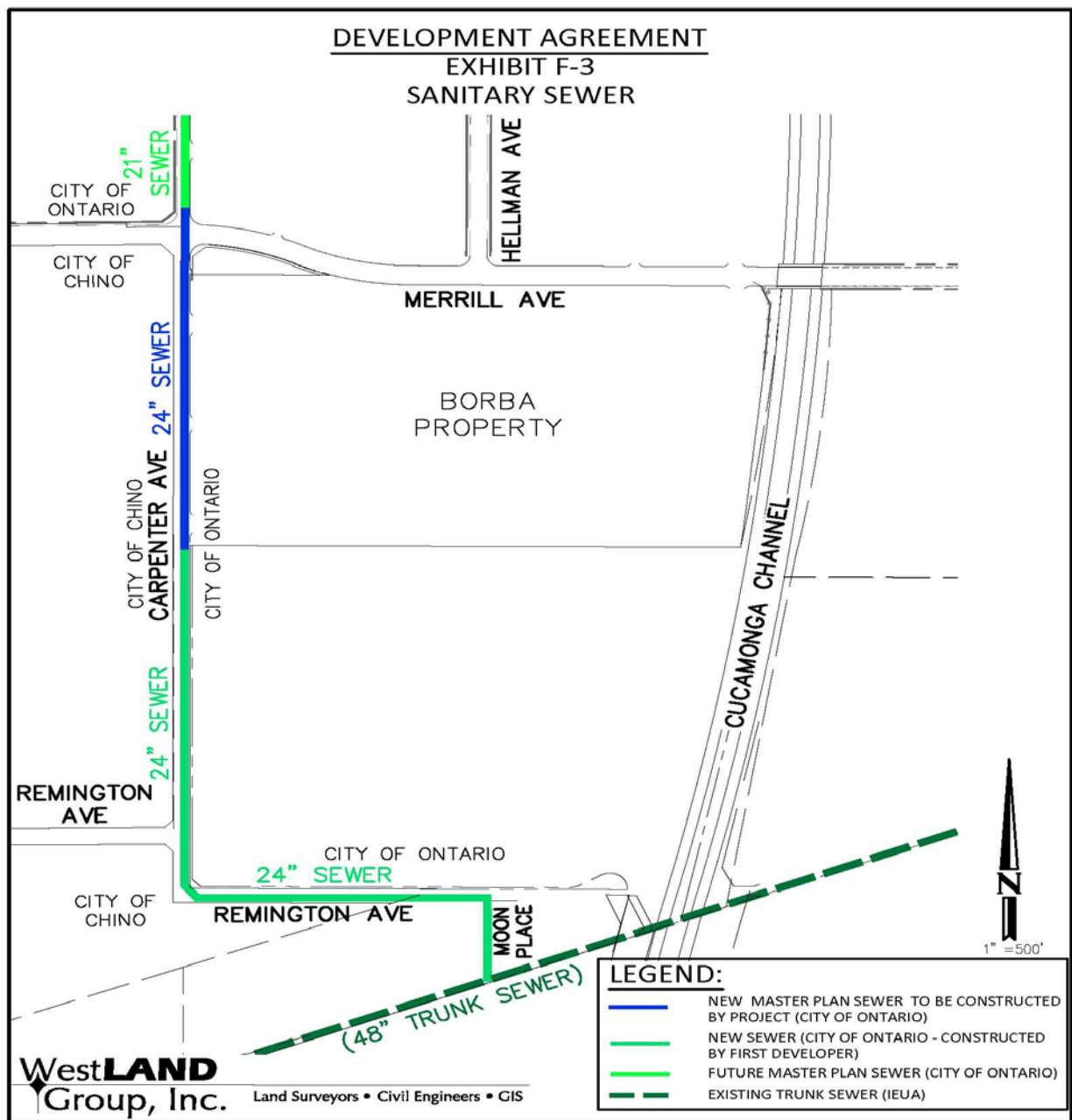


EXHIBIT "F-4"

Required Infrastructure Improvements

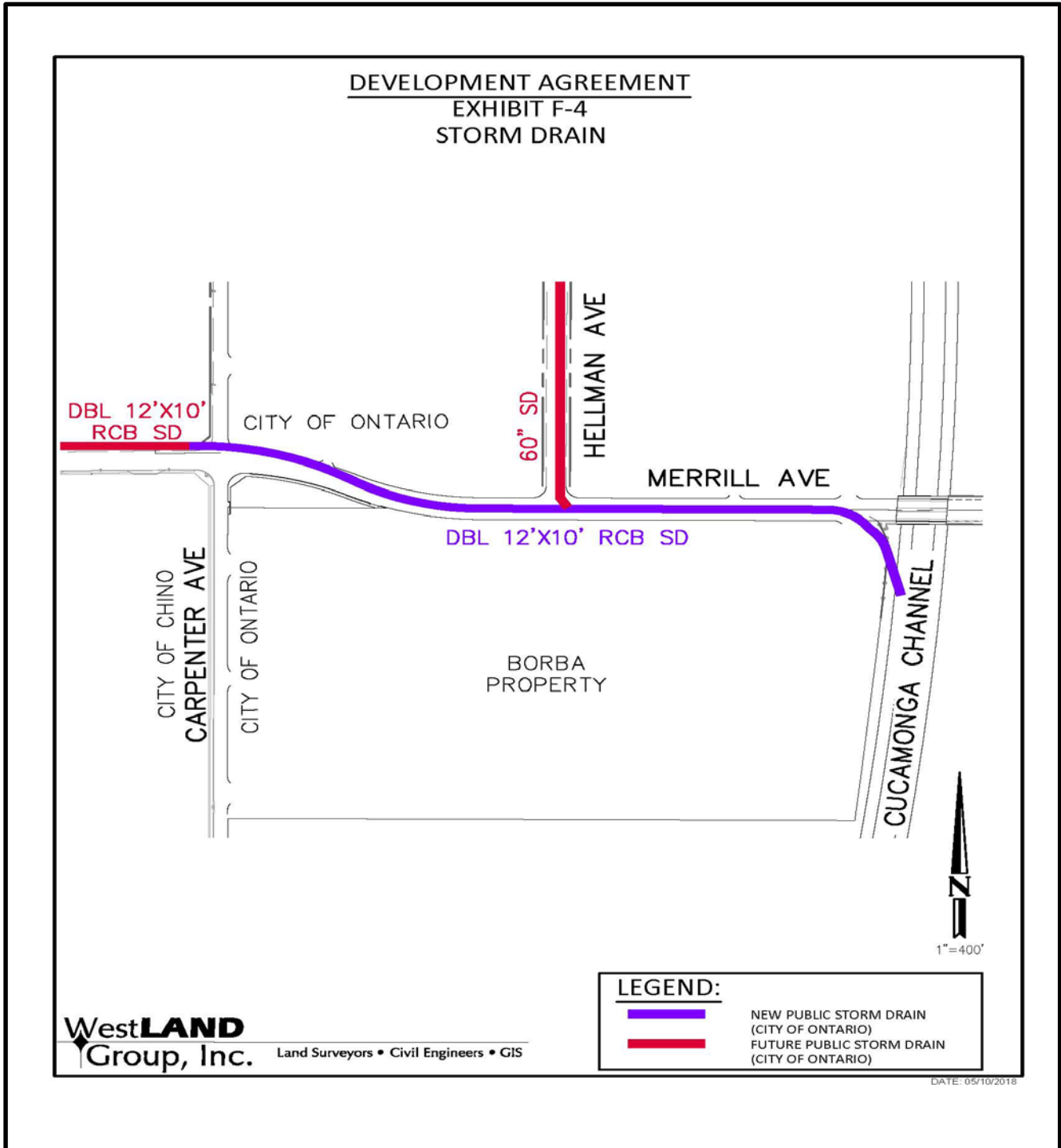


EXHIBIT "F-5"

Required Infrastructure Improvements

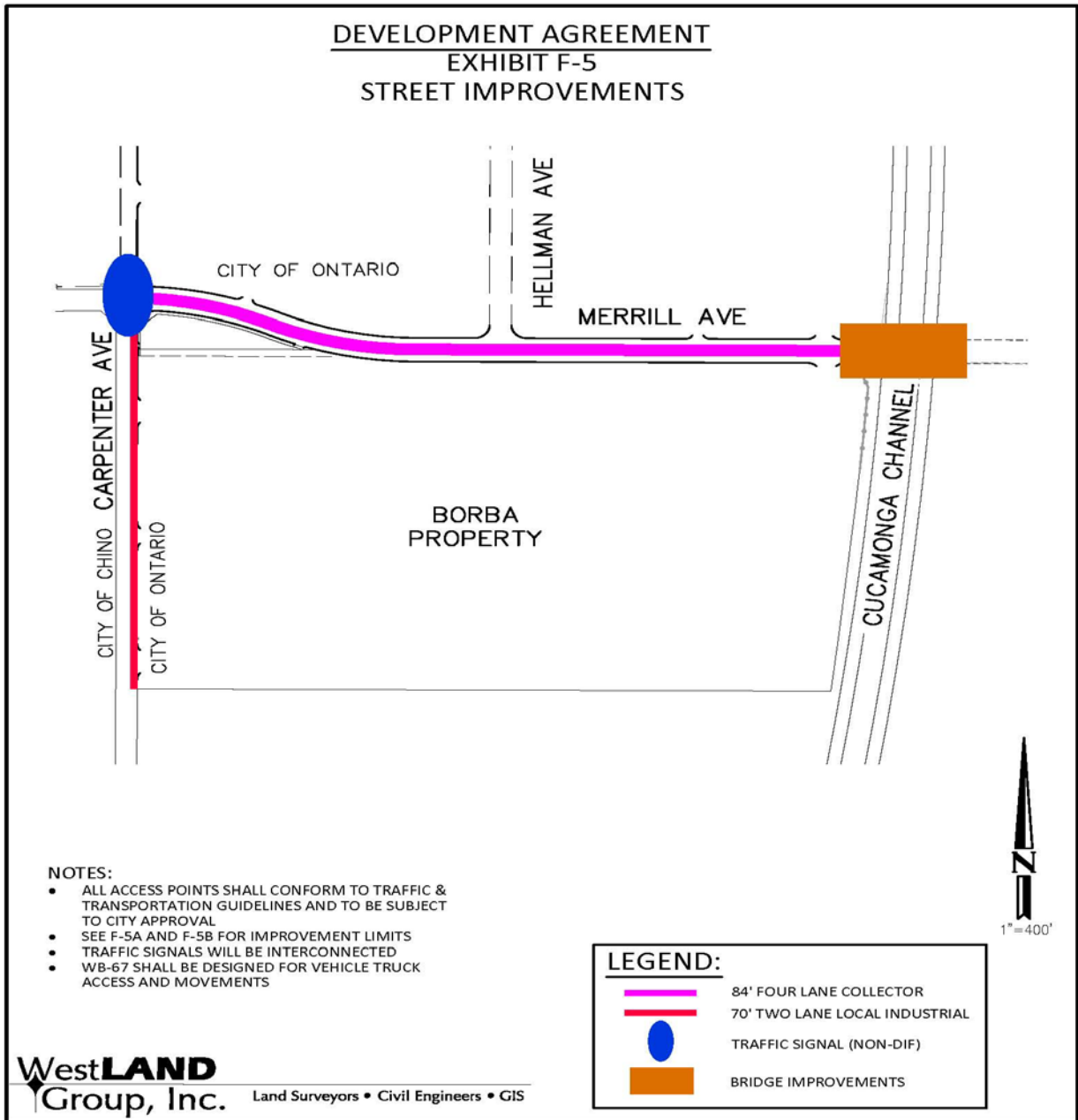


EXHIBIT "F-5A"

Required Infrastructure Improvements

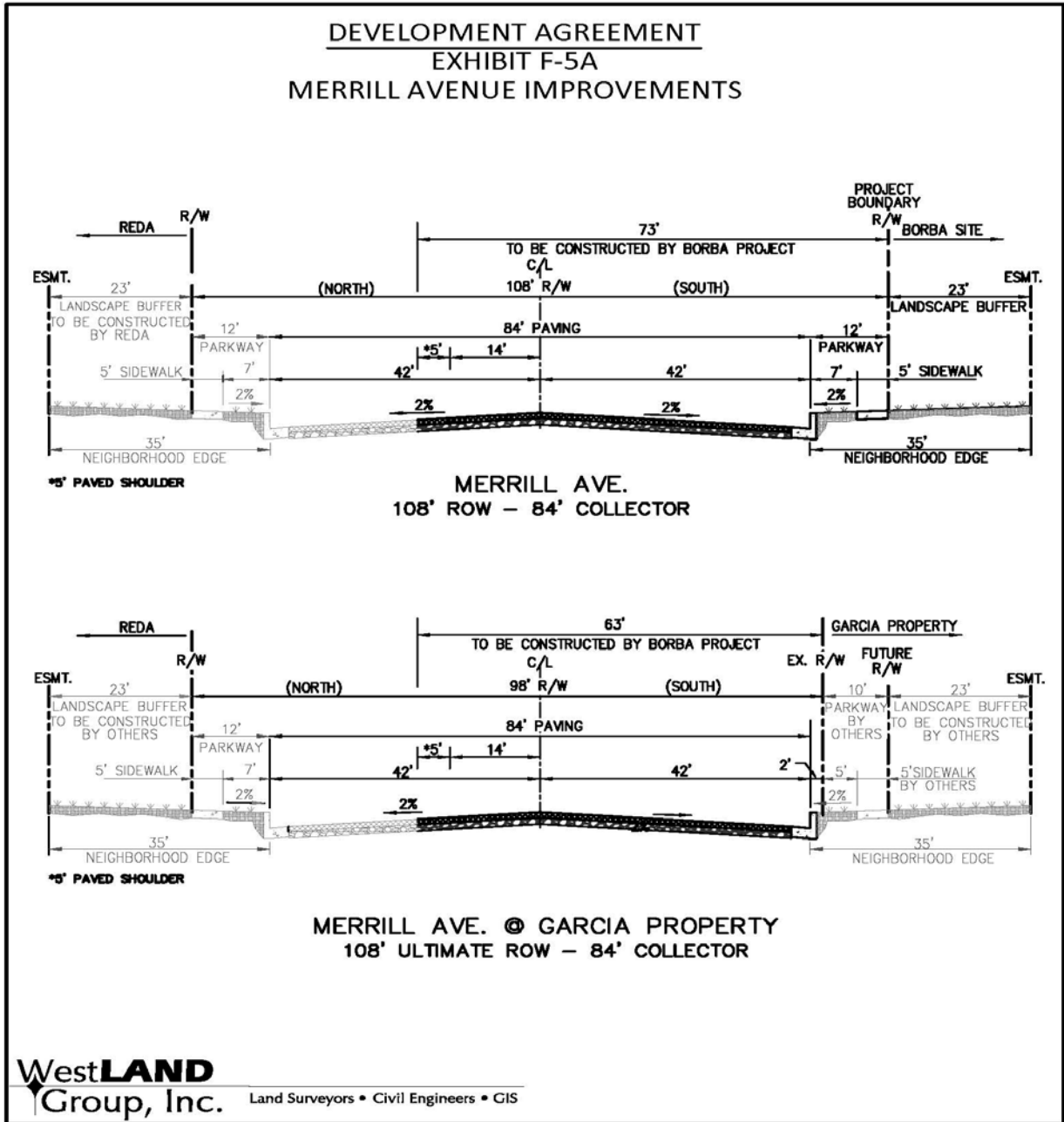


EXHIBIT "F-5B"

Required Infrastructure Improvements

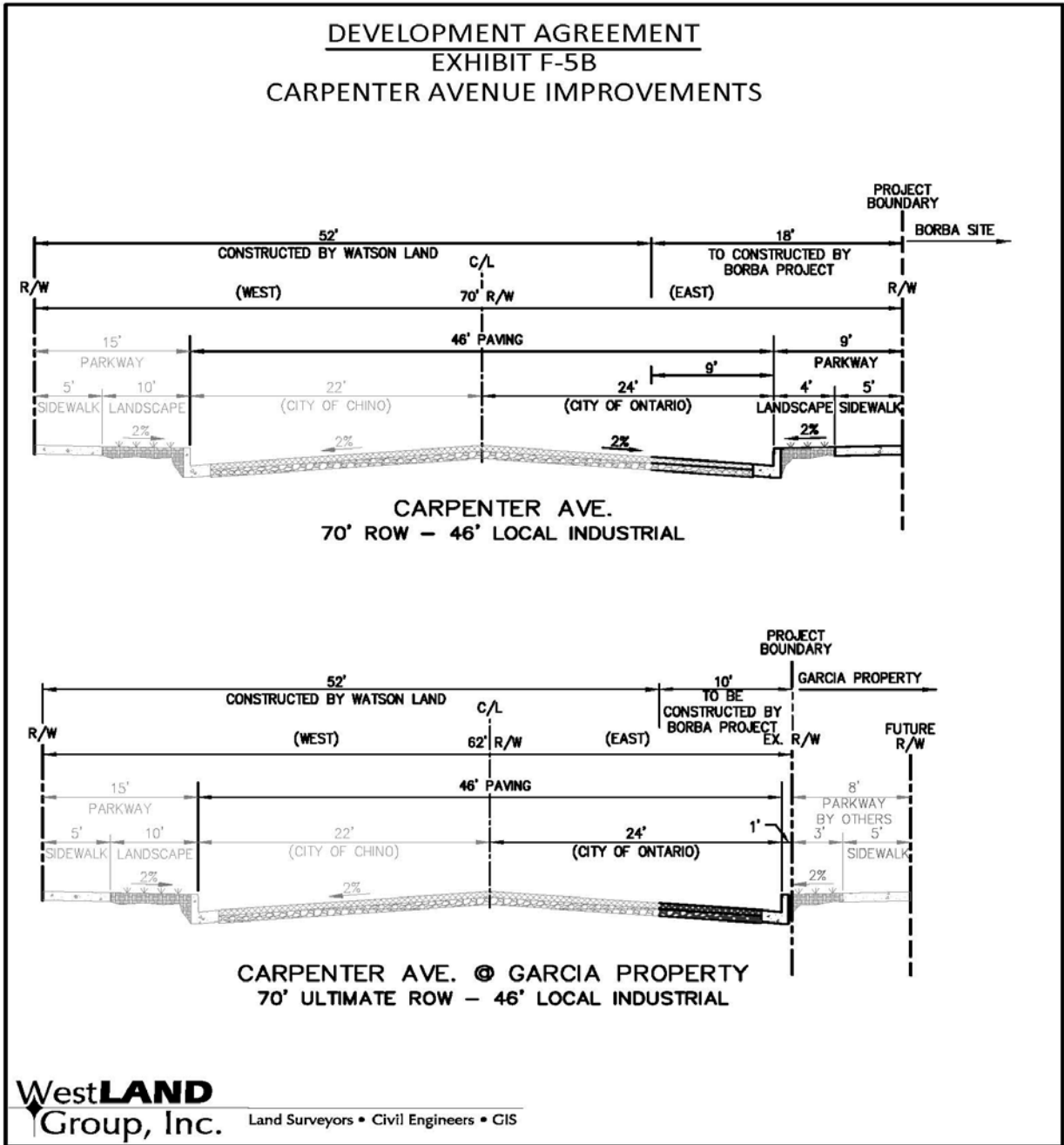


EXHIBIT "F-6"

Required Infrastructure Improvements

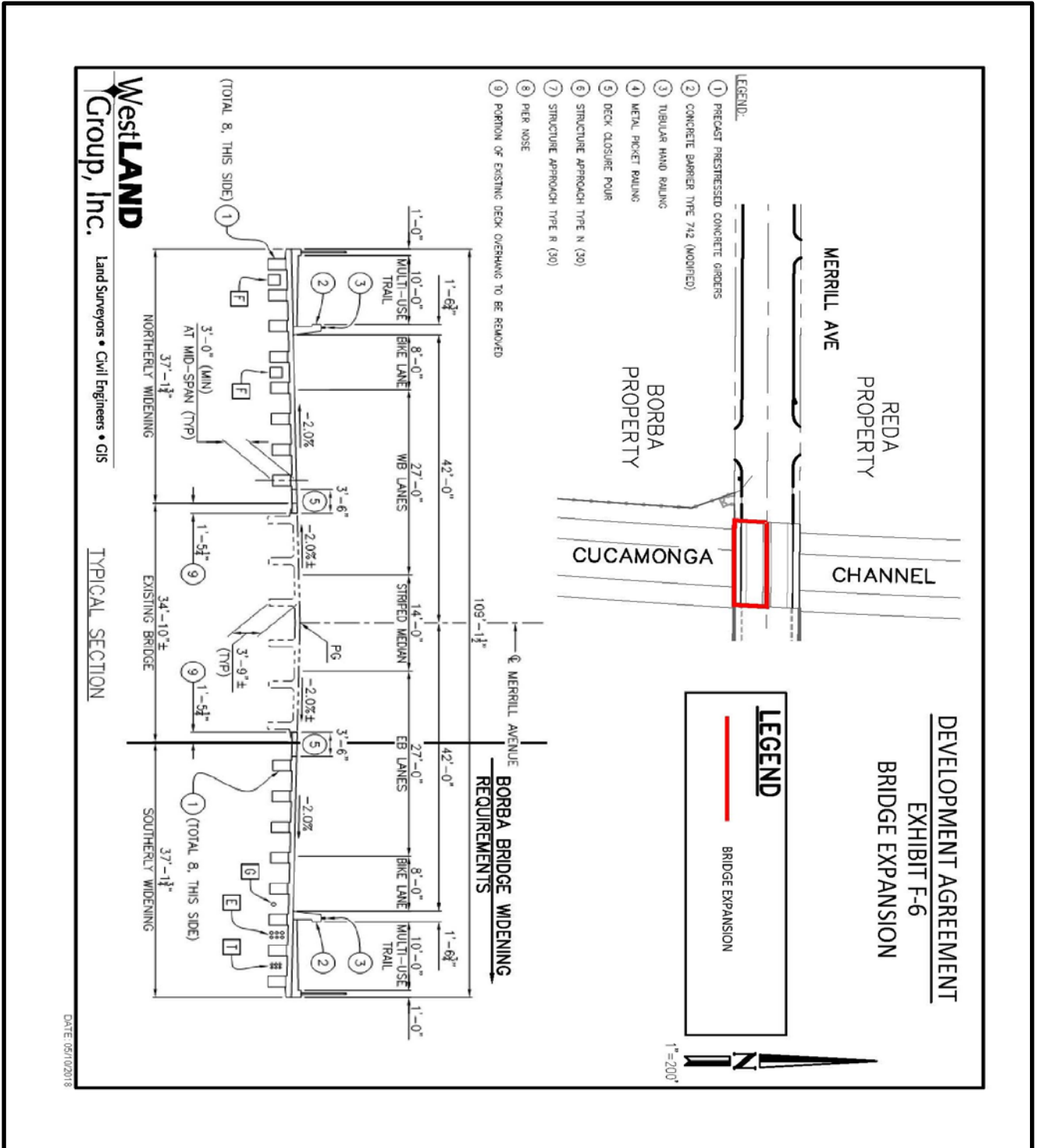


EXHIBIT "F-7"

Required Infrastructure Improvements

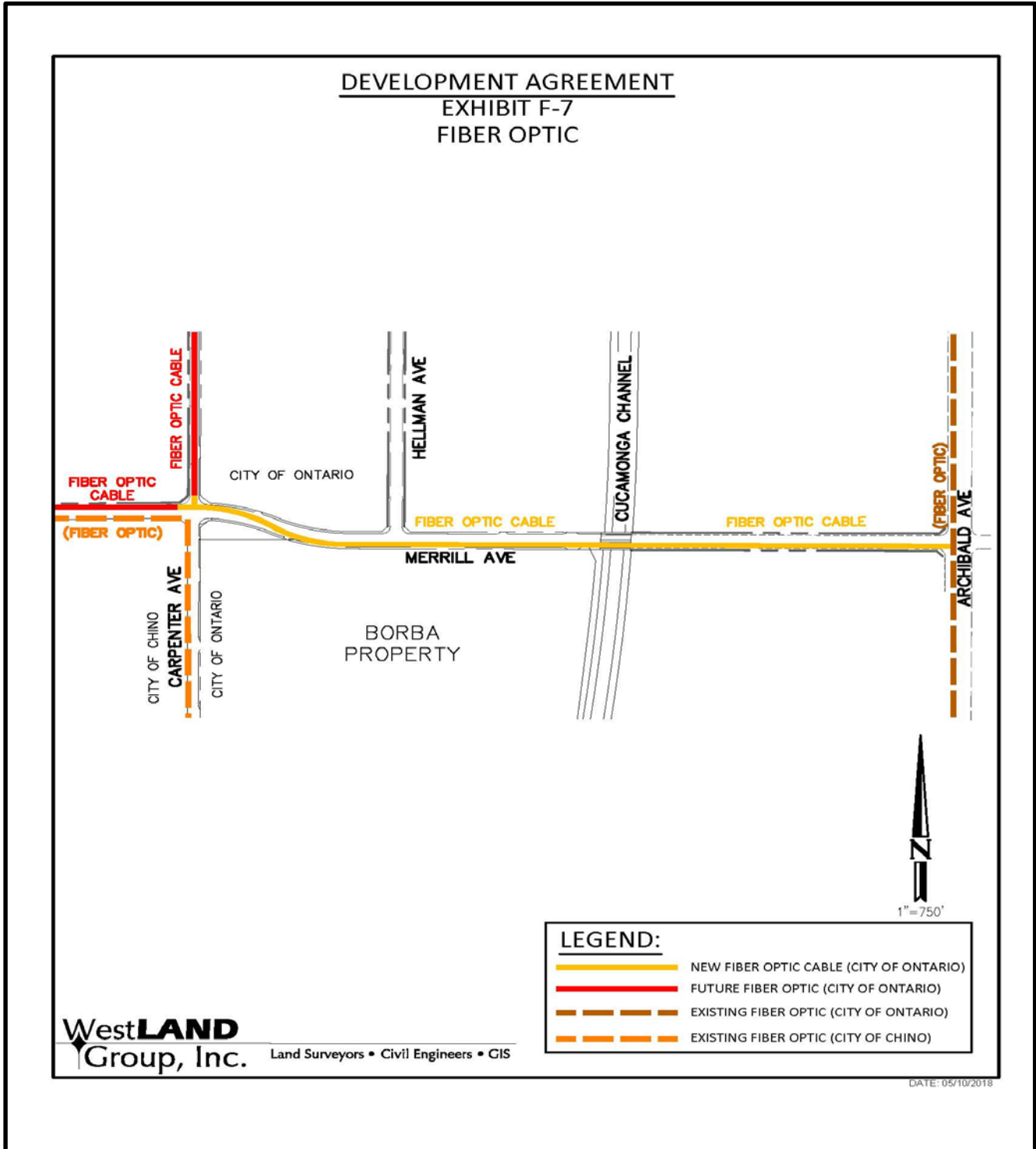


EXHIBIT "G"
TO DEVELOPMENT AGREEMENT

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section ____ of this Agreement between the City of Ontario, a California municipal corporation, and Prologis , a Delaware corporation, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD _____ gpm

Scott Ochoa, City Manager

Dated: _____

Exhibit "H"

FORM OF CERTIFICATE OF REGIONAL DIF CREDIT

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and Prologis , dated _____, 2018, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____

Scott Ochoa, City Manager

Dated: _____

Exhibit "I-1"

**ONTARIO RANCH
WATER SUPPLY PHASING PLAN**

<u>Phase 2</u>	<u>Water Availability Equivalency</u>	<u>Estimated Net MDD Available¹</u>
<u>Phase 2 A</u>		
<u>Supply & Storage</u>		
1. 1 - Additional Ground Water Well and Collection lines - Design and Construction	8,250 gpm ²	7,750 gpm²
<u>Pipelines (Transmission & Distribution)²</u>		
2. 925 Zone Transmission lines – Design and Construction		
3. Temporary Pressure Reducing Station ³ – Design and Construction		
<u>Phase 2B</u>		
<u>Supply & Storage</u>		
4. 1 – Additional Ground Water Well and Collection lines – Design and Construction	10,500 gpm ²	9,860 gpm²
5. 1 – 6 million gallon Reservoir – 925 Zone – Design and Construction		

(1) Upon Completion of the construction of all of the improvements described for each Phase a Certificate of Net MDD Availability shall be issued to Developer for the corresponding amount of Net MDD. Net MDD means the maximum daily demand on the potable water supply, net of the water requirements for public schools and parks. The Water Availability Equivalency includes the estimated requirements for public schools and parks. The amount of Net MDD specified is the cumulative amount for which building permits may be issued upon funding of the corresponding and all preceding Phases of improvements.

(2) The ability of a particular development to utilize Net MDD assigned to it by the Developer will require the completion of design and construction of Master-planned potable and recycled water transmission and distribution pipelines for the respective pressure zone. Other factors may include its location, the particular land use and Water Availability Equivalents assigned to it as specified in Exhibit C-2.

(3) Pressure reducing stations are a component of the pipeline transmission and distribution system.

EXHIBIT "I-2"

Available Water Supply - See Exhibit C-1R for Net MDD Available

Table A - Water Demand Equivalents By Land Use

The Ontario Plan Land Use	Potable Water			Recycled Water	
	Water Demand Factor (ADD)		Water Demand Equivalents (WDE) ²	Recycled Water Demand Factor ¹ (ADD)	Recycled Water Demand Of Total Water Demand
	(gpd/du)	(gpd/ac)	(gpm/unit)	(gpd/ac)	(%)
Detached Dwellings (less than 5 units per acre)	544		0.57	900	28%
Detached or Attached Dwellings (between 5 and 11 units per acre)	464		0.48	1,000	21%
Attached Dwellings (between 11 and 25 units per acre)	323		0.34	1,500	18%
High Density Dwellings (25+ units per acre)	152		0.16	1,500	27%
Commercial Lodging	150		0.16	1,700	50%
Retail/Services Uses		2,200	2.29	2,300	51%
Office Uses		3,400	3.54	2,300	40%
Business Park Uses		2,200	2.29	2,200	50%
Industrial Uses		2,000	2.08	2,200	52%
Institutional Use		2,200	2.29	1,600	42%
Parks		1,000	1.04	1,400	58%
Schools		3,500	3.65	1,600	31%

¹Recycled Water Demands include irrigation for right-of-way (medians and parkways), neighborhood edge, pocket parks, and common areas.

²The WDE is based on the Maximum Day Demand (MDD) with a peaking factor of 1.5 in the NMC for all land use categories.

Table B - Example Water Supply Calculation

Land Use	Acres ¹ (gross)	Residential Units	WDE Factor (gpm)	Potable MDD (gpm)	Recycled Water ADD (gpm)
Development					
Detached Dwellings (less than 5 units per acre)	1,284	5,061	0.57	2,868	803
Detached or Attached Dwellings (between 5 and 11 units per acre)	369	2,530	0.48	1,223	256
Attached Dwellings (between 11 and 25 units per acre)	194	3,410	0.34	1,147	202
Retail/Services Uses (per acre) ²	104		2.29	239	166
TOTAL	1,950	11,001		5,477	1,428

Three (3) Wells Are required to Support this example, assuming each well produces 2,000 gpm and connection to the Recycled Water System maximizing Recycled Water Use.

¹ Residential Acres are estimated based on the weighted average derived from the average number of units per land use category.

² Commercial acreage is calculated from a total square footage of 1,361,000 SF with an average Floor to Area Ratio (FAR) of 0.30 for commercial services in The Ontario Plan.

Exhibit "J"

FORM OF PLUME DISCLOSURE LETTER

C I T Y O F



O N T A R I O

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.*

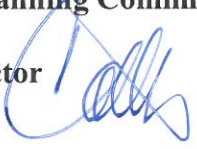
1425 SOUTH BON VIEW - ONTARIO, CALIFORNIA 91761-4406 - (909) 395-2605 - FAX (909) 395-2601



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director 

DATE: May 22, 2018

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF APRIL 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of April 2018. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-applications>, and actions taken on applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions>.

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DEVELOPMENT ADVISORY BOARD MEETING

April 2, 2018

Meeting Cancelled

ZONING ADMINISTRATOR MEETING

April 2, 2018

Meeting Cancelled

CITY COUNCIL MEETING

April 3, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA05-001: A Development Agreement Amendment (Second Amendment – File No PDA05-001) between the City of Ontario and Edenglen Ontario, to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map No’s 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, and 18791, generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8 of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan Environmental Impact Report (SCH# 2004051108) that was adopted by the City Council on November 5, 2005. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, and 30; 0218-931-01 through 25; 218-931-75 through 89; 0218-932-01 through 21; 0218-933-01 through 17; 0218-934-01 through 24; 0218-935-01- through 04; 0218-935-12 through 19; 0218-935-22 through 38; 0218-941-01 through 39; 0218-941-55 through 93; 0218-951-01 through 70; 0218-952-19 through 82; 0218-954-01 through 42; 0218-955-01 through 42; 0218-956-01 through 58; 0218-961-07 through 88) **submitted by Edenglen Ontario, LLC.** The Planning Commission recommended approval of this item on February 27, 2018 with a vote of 5 to 0.

Action: The City Council adopted an ordinance approving the Second Amendment to the Development Agreement, and extending the term of the Development Agreement.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA16-002: A Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously

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reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (SCH# 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC**. The Planning Commission recommended approval of this item on February 27, 2018 with a vote of 6 to 0.

Action: The City Council adopted an ordinance approving the Development Agreement.

DEVELOPMENT ADVISORY BOARD MEETING

April 16, 2018

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT

REVIEW FOR FILE NO. PDEV17-033 & PCUP17-015: A Development Plan (File No. PDEV17-033) and Conditional Use Permit (File No. PCUP17-015) to construct and establish a drive-thru restaurant for Raising Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1008-431-21) **submitted by Raising Cane's Chicken Fingers**. Planning Commission action is required. Continued from March 19, 2018.

Action: The Development Advisory Board continued the applications indefinitely at the request of the applicant.

ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.

PVAR17-008 & PDEV17-055: A Variance (File No. PVAR17-008) to reduce the: 1) Rear building setback from 15 feet to 10 feet; 2) Front parking setback from 20 feet to 10 feet; and, 3) Setbacks from the building to the parking and drive aisles from 5 feet to 3 feet in conjunction with a Development Plan (File No. PDEV17-055) to construct a 4,100 square-foot commercial building, on 0.46 acres of land, within the Neighborhood Commercial zoning district, located at 1440 E. Fourth Street. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) and Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria

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of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-202-46) **submitted by Atabak Youssefzadeh**. Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-060:

A Development Plan (File No. PDEV17-060) to construct 62 single-family homes on 7.65 acres of land located within the Low Density Residential (LDR) district of Planning Area 11 of The Avenue Specific Plan, located on the west side of Haven Avenue and approximately 700 feet south of Ontario Ranch Road. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-412-02) **submitted by Brookfield Waverly, LLC**. Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-005:

A Development Plan (File No. PDEV18-005) to construct 60 single-family homes on 8.9 acres of land located at the northeast corner of Parkplace Avenue and Parkview Street, within Planning Area 19 (single-family lane loaded residential district) of the Subarea 29 Specific Plan. The environmental impacts of this project were previously analyzed in the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on October 17, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-014-05) **submitted by KB Home Southern California**. Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ZONING ADMINISTRATOR MEETING

April 16, 2018

Meeting Cancelled

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA17-007: 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. The environmental impacts of this project were previously analyzed in an addendum to 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. (APNs: 0218-201-20, 0218-201-26 and 0218-201-27); **submitted by Ontario Avenida Property Owner LLC.** The Planning Commission recommended approval of this item on March 27, 2018 with a vote of 5 to 0.

Action: The City Council introduced and waived further reading of an ordinance approving the Development Agreement.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT CODE AMENDMENT AND ZONE CHANGE REVIEW FOR FILE NOS. PDCA18-001 & PZC18-001: 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 the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140), certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-551-01) **submitted by Carvana, LLC.** The Planning Commission recommended approval of this item on March 27, 2018, with a vote of 6 to 0.

Action: The City Council introduced and waived further reading of ordinances approving the Development Code Amendment and the Zone Change.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FILE NO. PDCA18-002: A Development Code Amendment (File No. PDCA18-002) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including

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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, generally located north of Mission Boulevard, south of Airport Drive, east of Grove Avenue, and west of Haven Avenue; The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines. The project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan; **City Initiated**. The Planning Commission recommended approval of this item on March 27, 2018 with a vote of 4 to 2.

Action: The City Council introduced and waived further reading of an ordinance approving the Development Code Amendment.

ENVIRONMENTAL ASSESSMENT, SPECIFIC PLAN REVIEW FOR FILE NO. PSP16-003 AND WILLIAMSON ACT CANCELLATION FOR FILE NO. PWIL18-002 (#70-159):

A public hearing to consider certification of the Environmental Impact Report, (SCH#2017031048) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for File No. PSP16-003 and 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 and a Tentative Cancellation of Williamson Act Contract 70-159. 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. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and Chino Airport, and was evaluated and found to be consistent with the policies and criteria of both the ONT Airport and Chino Airport Land Use Compatibility Plans (ALUCP). (APNs: 218-311-02, 218-311-03, 218-311-07, 218-311-08, 218-311-10 & 218-311-13); **submitted by CapRock Partners Land & Development Fund I, L.P.** The Planning Commission recommended approval of this item on March 27, 2018 with a vote of 6 to 0.

Action: The City Council {1} adopted a resolution approving the Environmental Impact Report prepared for Colony Commerce Center East Specific Plan, which includes the adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan; {2} introduced and waived further reading of an ordinance approving the Colony Commerce Center East Specific Plan; and {3} adopted a resolution approving a Tentative Cancellation of the Williamson Act Contract.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-005:

A Development Plan to construct 60 single-family homes on 8.9 acres of land located at the northeast corner of Parkplace Avenue and Parkview Street, within Planning Area 19 (single-family lane loaded residential district) of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR, for which an Environmental Impact Report (SCH# 2004011009) was adopted by the City Council on November 7, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-014-05) **submitted by KB Home Southern California.**

Action: **The Planning Commission approved the project subject to conditions.**

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-060:

A Development Plan to construct 62 single-family homes on 7.65 acres of land located within the Low Density Residential (LDR) district of Planning Area 11 of The Avenue Specific Plan, located on the west side of Haven Avenue and approximately 700 feet south of Ontario Ranch Road. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014. This project introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-412-02) **submitted by Brookfield Waverly, LLC.**

Action: **The Planning Commission approved the project subject to conditions.**

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT AND SPECIFIC PLAN REVIEW FOR FILE NOS. PGPA16-002 & PSP16-002, AND WILLIAMSON ACT CONTRACT CANCELLATIONS FOR FILE NOS. PWIL17-009 (#73-406) & PWIL18-004 (#70-219):

A public hearing to consider certification of the Environmental Impact Report (SCH#2017041074), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations, for the following: 1) A General Plan Amendment (File No. PGPA16-002) to modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; 2) A Specific Plan (File No. PSP16-002 - West Ontario Commerce Center) request to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 119 acres of land, which includes the potential

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development of up to 2,905,510 square feet of industrial and business park development; and 3) A petition to cancel Williamson Act Contracts 73-406 and 70-219. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.** City Council action is required.

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.

PVAR17-008 & PDEV17-055: A Variance (File No. PVAR17-008) to reduce the: 1) Rear building setback from 15 feet to 10 feet; 2) Front parking setback from 20 feet to 10 feet; and, 3) Setbacks from the building to the parking and drive aisles from 5 feet to 3 feet in conjunction with a Development Plan (File No. PDEV17-055) to construct a 4,100 square-foot commercial building, on 0.46 acres of land, within the Neighborhood Commercial zoning district, located at 1440 E. Fourth Street. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) and Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0110-202-46) **submitted by Atabak Youssefzadeh.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT, AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NOS. PGPA18-001 & PSPA18-002:

A General Plan Amendment (File No. PGPA18-001) request to: 1) modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designation shown on the Land Use Plan Map (Exhibit LU-1) for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial; and 2) modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and a Specific Plan Amendment (File No. PSPA18-002) request to change the California Commerce Center Specific Plan land use designation of the property from Commercial/Food/Hotel to Rail Industrial. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) certified by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use

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Compatibility Plan (ALUCP). (Related File PSPA18-002) (APN: 0211-281-56); **submitted by SRG Archibald, LLC**. City Council action is required.

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA07-001: A Development Agreement Amendment (Second Amendment) between the City of Ontario and Western Pacific Housing, Inc., File No. PDA07-001, to extend the term of the agreement to serve Tract Map No. 18419. The project is located within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton**. City Council Action is required.

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-003: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC Investments 6 L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-003, to extend the term of the agreement to serve Tract Map No's. 17931, 17932 and 17933. The project is located on the northeast and southeast corners of Mill Creek Avenue and Eucalyptus Avenue, within Planning Areas 8, 9, and 10 of the Esperanza Specific Plan. The environmental impacts of this project were reviewed in conjunction with an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) that was adopted by City Council on September 2, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0218-332-12 and 16); **submitted by GDC Investments 6, L.P.** City Council Action is required.

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-004: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-004, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876

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and 18878. The project is located on the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 4, 5, 6, and 7 of the Esperanza Specific Plan. The environmental impacts of this project were reviewed in conjunction with an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) that was adopted by City Council on September 2, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0218-332-11 and 17) **submitted by GDC-RCCD, L.P.** City Council Action is required.

Action: The Planning Commission recommended the City Council approve the project.

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PCUP18-013:

Submitted by DLR Group

A Conditional Use Permit to establish two 1,140-square foot portable classrooms for the existing San Bernardino County Head Start Preschool on 3.45 acres of land located at 555 West Maple Street, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district (APN: 1050-291-26).

PCUP18-014:

Submitted by House of the Lord Ministries, Inc.

A Conditional Use Permit to establish 2,000-square foot facility for religious assembly on 0.193 acres of land located at 517 North Euclid Avenue, within the MU-1 (Downtown Mixed Use) zoning district (APN: 1049-355-08).

PCUP18-015:

Submitted by Frontier Real Estate Investments

A Conditional Use Permit to establish three drive-thru restaurants (1,740 SF, 2,500 SF, and 3,320 SF in area) on 10.06 acres of land within the Retail district of Planning Area 10B of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and Haven Avenue (APN: 0218-412-02). Related File: PDEV17-051.

PDA-18-003:

Submitted by Hillwood Enterprises, L.P.

A Development Agreement by and between the City of Ontario and Hillwood Enterprises LP, for the development of approximately 150 acres of land for industrial purposes, generally located on the south side of Eucalyptus Avenue, North of Merrill Avenue, between Grove Avenue on the East and Bon View Avenue on the west.

PDCA18-003:

Submitted by City of Ontario

A Development Code Amendment proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0 (Administration and Procedures), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary).

PDEV18-013:

Submitted by Richmond American Homes of Maryland, Inc.

A Development Plan to construct 79 single-family dwellings on approximately 19.30 gross acres of land generally located at the southeast corner of Eucalyptus and Celebration Avenues, within Planning Area 22 of the Subarea 29 Specific Plan (APNs: 0218-014-03, 0218-014-04). Related File: PMTT06-009 (TT 18067).

PDEV18-014:

Submitted by CLDFI MERRILL, LLC

A Development Plan to construct nine industrial buildings totaling 1,685,420 square feet on 85 acres of land, in conjunction with a Tentative Parcel Map (TPM 19904) to subdivide the project site into nine parcels and two lettered (common) lots generally located at the southwest corner

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of Archibald Avenue and Merrill Avenue, within the Business Park and Industrial Land Use districts of the Colony Commerce Center East Specific Plan.

PDEV18-015: Submitted by Lennar Homes of CA, Inc.

A Development Plan to construct an approximate 8,800-square foot recreation building on 2.29 acres of land generally located at the southwest corner of Hamner Avenue and Eucalyptus Avenue, within Planning Area 5 (4-Pack Courtyard) of the Esperanza Specific Plan (APN: 0218-252-17).

PHP-18-015: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.99-acre parcel of land located at 111 - 117 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1049-057-02).

PHP-18-016: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.204-acre parcel of land located at 118 - 124 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1048-564-12).

PHP-18-017: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.095-acre parcel of land located at 205 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1049-055-04).

PHP-18-018: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.217-acre parcel of land located at 114 - 116 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1048-564-11).

PHP-18-019: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.087-acre parcel of land located at 215 - 217 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1049-055-02).

PHP-18-020: Submitted by City of Ontario

A Tier Determination for an historic commercial building on a 0.401-acre parcel of land located at 210 - 214 West Holt Boulevard, within the proposed Downtown Historic District and the MU-1 (Downtown Mixed-Use) zoning district (APN: 1048-563-08).

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PMTT18-006: Submitted by **CLDFI MERRILL, LLC**

A Tentative Parcel Map (TPM 19904) to subdivide approximately 85 acres of land into 9 numbered parcels and 2 lettered (common) lots generally located at the southwest corner of Archibald and Merrill Avenues, within the Business Park and Industrial Land Use districts of the Colony Commerce Center East Specific Plan.

PSGN18-043: Submitted by **Rudy Emperado**

A Sign Plan for the installation of a wall sign for STOP AND SHOP (50 SF on west building elevation), located at 130 North Benson Avenue.

PSGN18-044: Submitted by **Metro Signs**

A Sign Plan for the installation of two wall signs and reface of an existing monument sign for DHL EXPRESS, located at 1651 South Carlos Avenue.

PSGN18-045: Submitted by **CTK Fulfillment Center**

A Sign Plan for the installation of two directional signs for CTK FULFILLMENT CENTER (20 SF at main entrance and rear entrance), located at 2110 South Parco Avenue.

PSGN18-046: Submitted by **Signarama Ontario**

A Sign Plan for the installation of two wall signs for FALCON WEALTH PLANNING (50 SF on north elevation and 33.2 SF on south elevation), located at 3595 East Inland Empire Boulevard.

PSGN18-047: Submitted by **Trumark Homes**

A Sign Plan for the installation of a directory sign for TRUMARK HOMES, located at 2351 South Via Centerhouse.

PSGN18-04: Submitted by **Vogel Family Properties, LLC**

A Sign Plan for the installation of a wall sign (89 SF) located at 1945 South Burgundy Place.

PSGN18-049: Submitted by **Swain Sign Inc.**

A Sign Plan for the installation of wall signs for TARGET, including new bull's-eye logo wall signs, descriptor signs (to read "order pickup" and "CVS Pharmacy"), and the reface of existing street signs, located at 4200 East Fourth Street.

PSGN18-050: Submitted by **Signs of Success**

A Sign Plan for the installation of a wall sign (22 SF) for FAIRGROUNDZ, located at 1214 East Sixth Street.

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PSGN18-051: **Submitted by Alexis Estrada**

A Sign Plan for the installation of a wall sign for DOLEX FINANCIAL SERVICES, located at 133 North Euclid Avenue.

PSGN18-052: **Submitted by Sunset Signs**

A Sign Plan for the installation of a wall sign for DX RACER, located at 4050 East Greystone Drive.

PSGN18-053: **Submitted by Sunset Signs**

A Sign Plan for the installation of a wall sign for HEAVENLY DOG pet grooming salon, located at 2513 South Euclid Avenue.

PSGN18-054: **Submitted by Chae Yong Kwak**

A Sign Plan for the installation of a wall sign for AKI-HOME FURNITURE, located at 4655 East Mills Circle.

PSGN18-055: **Submitted by Preferred Impressions Inc.**

A Sign Plan for the installation of a monument sign (24 SF) for ORBIS INTERCHANGE, located at 5001 East Ontario Mills Parkway.

PSGN18-056: **Submitted by Swain Sign**

A Sign Plan for the installation of two wall signs and a monument sign for SPRINGHILL SUITES, located at 3595 East Guasti Road.

PSGN18-057: **Submitted by Eagle Signs**

A Sign Plan for the installation of a wall sign for NANO'S SUBS + DELI, located at 2250 South Archibald Avenue.

PTUP18-024: **Submitted by Church of God of Prophecy**

A Temporary Use Permit for a church (Iglesia de Dios De la Profecia) sponsored car wash to be held within their parking lot located at 1130 South Campus Avenue. Event to be held on 4/4/2018.

PTUP18-025: **Submitted by Western Pacific Housing Inc.**

A Temporary Use Permit for a model home complex sales center located at 3934 South Dryden Avenue and 3912 South St. Albert Paseo. Event to be held on 8/1/2018. Related file: PDEV17-056.

Monthly Activity Report—New Applications

Month of April 2018

PTUP18-026: **Submitted by American Career College**

A Temporary Use Permit for Annual Student Appreciation Day, hosted by American Career College, located at 3130 East Sedona Court. Event to be held on 5/3/2018.

PTUP18-027: **Submitted by H.A. Comaroto**

A Temporary Use Permit for a fundraiser for Ontario Masonic Lodge #301, located at 1025 North Vine Avenue. Event to be held on 5/5/2018, 10:00AM to 4:00PM.

PTUP18-028: **Submitted by Cystic Fibrosis Foundation**

A Temporary Use Permit for the Cystic Fibrosis Foundation 5K Walk fundraiser. Event to be held on 4/28/2018.

PTUP18-029: **Submitted by Quang Thien Buddhist Temple**

A Temporary Use Permit for the annual celebration of Buddha's birthday (Quang Thien Buddhist Temple), located at 704 East E Street. Event to be held on 5/27/2018.

PTUP18-030: **Submitted by Iglesia de Dios De la Profecia**

A Temporary Use Permit for a church (Iglesia de Dios De la Profecia) sponsored mother's day flower sales, located at 1130 South Campus Avenue. Event to be held on 5/12/2018.

PVER18-016: **Submitted by Hilda Valenzuela**

Zoning Verification for 645 West California Street (APN: 1049-321-02).

PVER18-017: **Submitted by Planning & Zoning Resource Company**

Zoning Verification for 2095 South Archibald Avenue (APN: 0211-275-53).

PVER18-018: **Submitted by PZR**

Zoning Verification for 3070 East Cedar Street (APN: 0211-275-20).