

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

June 26, 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

SPECIAL CEREMONIES

- 1) Presentation to Holt Melrose, LLC for the project including Wendy's, Auto Zone, and an Industrial building.

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 May 22, 2018, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW

FOR FILE NO. PDEV17-052: A Development Plan (File No. PDEV17-052) to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-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 Colony Commerce Center LLC.**

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 VARIANCE REVIEW FOR FILE NO.

PVAR18-001: A Variance to deviate from the minimum Development Code standards for parking setbacks along an arterial street, from 20 feet to 13 feet, for an existing senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 S. Mountain Avenue, within the Medium Density Residential (MDR-18) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be an existing land use and is not subject to the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP) for ONT; (APN: 1014-461-12); **submitted by Inland Christian Home, INC.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15301

2. File No. PVAR18-001 (Variance)

Motion to Approve/Deny

C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW

FOR FILE NO. PDEV15-034: A Development Plan to construct a non-stealth wireless telecommunications facility (monopole) totaling 656 square feet on 25.8 acres of land, generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the UC (Utilities Corridor) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0238-241-10) **submitted by Verizon Wireless.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15303

2. File No. PDEV15-034 (Development Plan)

Motion to Approve/Deny

D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW

FOR FILE NO. PDEV17-021: A Development Plan to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and Section 15303 (Class 3, New Construction or Conversion of Small Structures) 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 (ONT) and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-151-45); **submitted by T-Mobile.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15301 & § 15303

2. File No. PDEV17-021 (Development Plan)

Motion to Approve/Deny

E. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW

FOR FILE NO. PMTT17-003: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. 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, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario LLC.**

1. **CEQA Determination**

No action necessary – use of addendum to previous EIR

2. **File No. PMTT17-003** (Tentative Tract Map)

Motion to continue to the July 24, 2018 meeting

F. **ENVIRONMENTAL ASSESSMENT AND AIRPORT LAND USE COMPATIBILITY REVIEW FOR FILE NO. PALU18-004:**

An amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) to: 1) Update airport ownership references from Los Angeles World Airports (LAWA) to Ontario International Airport Authority (OIAA); 2) Eliminate LAWA's proposal to reconfigure the ONT runway system by shifting both runways south and east of their present position (Exhibit 1-6: Simplified Airport Diagram) and rely on the existing runway system (current Airport Layout Plan) for the ONT ALUCP; and 3) Update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace Protection Zones and 2-5: Overflight Notification Zones to reflect impacts from the existing runway configuration and eliminate the composite approach that protects existing and LAWA's proposed runway reconfigurations. The geographic scope of the ONT ALUCP is the Airport Influence Area (AIA), which includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont and unincorporated portions of San Bernardino, Riverside and Los Angeles Counties. The environmental impacts of this project were previously reviewed in conjunction with File No. PADV07-008, for which a Negative Declaration (SCH# 2011011081) was adopted by the Ontario City Council on April 19, 2011. This project introduces no new significant environmental impacts. **Submitted by: City of Ontario, Planning Department. City Council action is required.**

1. **CEQA Determination**

No action necessary – use of previous Negative Declaration

2. **File No. PALU18-004** (Land Use Compatibility Amendment)

Motion to recommend Approval/Denial

G. **ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057:**

A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. 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, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the

EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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: 0218-221-09, 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.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PMTT17-011 (Tentative Parcel Map)

Motion to continue to the July 24, 2018 meeting

3. File No. PDEV17-057 (Development Plan)

Motion to continue to the July 24, 2018 meeting

H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT

REVIEW FOR FILE NO. PDA17-003: A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). 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, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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: 0218-221-09, 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 Required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA17-003 (Development Agreement)

Motion to continue to the July 24, 2018 meeting

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

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.

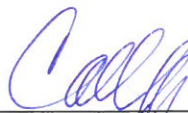
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at, 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 **June 22, 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

May 22, 2018

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

MINUTES

May 22, 2018

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

COMMISSIONERS

Present: Chairman Delman, Vice-Chairman Willoughby, DeDiemar, Gage, Gregorek, and Reyes

Absent: Downs

OTHERS PRESENT: Development Director Murphy, Planning Director Wahlstrom, City Attorney Rice, Senior Planner Batres, Senior Planner Noh, Assistant Planner Aguilo, Engineer Bryan Lirley, Building Official Pedro Rico, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gage.

ANNOUNCEMENTS

Ms. Wahlstrom stated that there were additional items in front of the Commissioners relating to agenda Items C and F.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

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

It was moved by Gage, seconded by Gregorek, to approve the Planning Commission Minutes of April 24, 2018, as written. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

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.**

- 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**

Assistant Planner, Jeanie Aguilo, presented the staff report. She described the location and the surrounding area. She described the 8 units proposed, including the parking, architectural design and textures, access and landscaping. She stated that staff is recommending the Planning Commission recommend approval of File No. PUD17-004, and approve File No. PDEV17-011, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted clarification if the driveway for building A was deep enough for a car to park and if so was it included in the parking numbers.

Ms. Aguilo stated it is 18 feet deep and is not included in the parking numbers.

Mr. Gage wanted clarification regarding fractional parking.

Ms. Aguilo stated that for the one bedroom unit, 1.75 parking spaces are required and the .75 was included in the on-street parking.

Mr. Gage questioned if the fractional parking portion needed a Variance.

Ms. Wahlstrom stated the PUD allows for this type of parking provision and that all the parking is provided on site in covered garages, except for one guest parking spot and the .75 needed for the one bedroom unit, which both are included in the on-street parking. She stated that they were able to use the downtown parking tool to verify there was adequate parking available.

PUBLIC TESTIMONY

Brad Robertson, representing AB Holdings, appeared and stated he was available to answer any questions.

Mr. Reyes wanted clarification of how the project would be managed.

Mr. Robertson stated these units will be for lease and that AB Holdings takes pride in the ownership and the units will be managed in-house and be well taken care of.

Mr. Reyes wanted clarification if any of these units were for low income housing or would they be standard rental rates.

Mr. Robertson stated these will all be standard rental rates.

Mr. Gage wanted clarification on who would be regulating what automobiles are being parked within the garages, so that the garages don't get filled up and they use more on-street parking.

Mr. Robertson stated the city requires storage space in excess of the garage, and each unit has a laundry and additional storage within the garage. He stated AB Holdings would manage the parking and they won't allow for derelict cars to be parked on-site.

Mr. Willoughby wanted clarification that there is additional storage space built into the garage area.

Mr. Robertson stated yes, they had included the minimum square footage required for storage within the garage.

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

Mr. Gage stated this is a challenging site to put units here and he is glad to hear there is storage in each unit, which helps to keep the use of the garages for parking.

Mr. Reyes stated the design and landscaping looks nice and he is glad we are filling in these areas in the city. He stated that in the future he would like to see collaboration with the city to bring this type of quality project for low income families to qualify for.

Mr. Willoughby concurred with Mr. Gage's comments and stated he likes the design and use of materials and that it will be a nice addition to this downtown area.

Mr. Delman stated he likes this infill project and would like to see more like them.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by DeDiemar, to recommend adoption of a resolution to approve the Planned Unit Development, File No., PUD17-004, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none;

ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Reyes, seconded by DeDiemar, to adopt a resolution to approve the Development Plan, File No., PDEV17-011, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- 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.**

Assistant Planner, Jeanie Aguilo, presented the staff report. She described the location, surrounding area, and the lot sizes being proposed. She stated that staff is recommending 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.

Mr. Reyes wanted clarification regarding the existing house on the site, if it is remaining or being demolished.

Ms. Aguilo stated it would be demolished.

Mr. Reyes wanted clarification on the sewer and water being provided to the lots.

Ms. Aguilo stated they will connect to existing lines.

PUBLIC TESTIMONY

Mr. Alcazar appeared.

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 Gregorek, seconded by Willoughby, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT17-012, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- 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.**

Senior Planner, Luis Batres, presented the staff report. He described the location and surrounding area, and the proposed addition to the property. He described the screen wall, additional parking, the new trash structure, the widening of driveways, landscaping, the architecture and elevations. He stated the lots are being consolidated to meet the city requirement of buildings not crossing property lines. He stated that staff is recommending the Planning Commission approve File Nos. PMTT17-017 & PDEV13-029, 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 on the existing structures improvements.

Mr. Batres stated there would only be painting done to match the proposed addition.

Mr. Willoughby wanted to know if the existing chain link fencing is being replaced.

Mr. Batres stated all would be replaced with the metal decorative fencing, except along the railroad spur on the west property line.

Mr. Willoughby wanted to know if the railroad spur serves this building.

Mr. Batres stated no.

Mr. Willoughby wanted clarification if the 10 foot setback, on the northern side, meets the requirements for this area.

Mr. Batres stated yes

Mr. Willoughby wanted clarification on what water retention provisions are being proposed.

Mr. Batres stated yes and that the basin is accommodating for the new addition drainage. He stated a water quality plan needs to be submitted before permits will be issued and described other improvements required for the project that are included in the conditions of approval.

Mr. Willoughby wanted clarification on handicapped depressions at the corners.

Mr. Batres stated yes they are being required to be completed.

PUBLIC TESTIMONY

Steven Ibarra, the representative, appeared and stated he has some issues with the engineering and wants to work with them regarding the clarification of these issues, without holding up the process.

Mr. Reyes wanted clarification regarding the improvements being done to get existing to look more like what is being proposed.

Mr. Ibarra stated that yes just the paint to match and the ban that wraps around the whole facility.

Mr. Gage wanted clarification on the issues with engineering.

Mr. Ibarra stated he just wanted clarification.

Mr. Delman wanted to know if this item should be continued so that the applicant can work with engineering.

Ms. Wahlstrom stated that being that it is only clarification the applicant is seeking, there is no reason to continue the item.

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

Mr. Reyes stated he drove by the site and is glad to see the major street improvements along the perimeter streets and the landscaping that will enhance the streets. He stated this is a fitting project for the area.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gregorek, to adopt a resolution to approve the Tentative Parcel Map, File No. PMTT17-017, and the Development Plan, File No. PDEV13-029, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

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.**

Senior Planner, Henry Noh, presented the staff report. He described the project site and the surrounding area. He described the building area, parking, landscape coverage ratio and the ingress and egress, improvements required and the promotion of pedestrian mobility that is incorporated within the plan, to connect the surrounding residential areas. He stated the proposed concept includes reaching two customers bases, the retail and the entertainment, with unique food use areas. He described the unique landscape amenities proposed, the proposed elevations and the architectural ideas and textures and the story they tell, related to the history of the area. He stated murals are to provide articulation on the buildings. He stated that if in the future a tentative parcel map is proposed, a shared parking agreement would be required at that point. He stated that staff is recommending the Planning Commission approve File Nos. PCUP18-015 & PDEV17-051, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval.

Mr. Willoughby wanted clarification on the parking reduction.

Mr. Noh stated the part of the conditions of approval is that a minimum percentage would be retail tenants so that they would meet the shared parking analysis.

Mr. Reyes wanted clarification on the conceptual landscape plan for the area behind the major retail building.

Mr. Noh stated there would be a 10 foot landscape planter area and the wall.

PUBLIC TESTIMONY

Gavin Reid, from Frontier Real Estate Investments, the developer for the site, appeared and spoke. He stated it has been a pleasure working with all the staff and he is very excited about this project and there is a strong interest in leasing for this project.

Mr. Gage wanted clarification regarding parking shortage.

Mr. Reid stated they have done other shared parking analysis and try to be conservative and he is comfortable this is going to function successfully.

Mr. Gage wanted to know if the tenants be comfortable with a future shared parking agreement and if there would be assigned parking.

Mr. Reid stated that he didn't have an answer at this time but it is something they will have to work through regarding the future shared parking agreement. He stated they will put CC&Rs in place for the parking as required by engineering.

Mr. Willoughby wanted to know the tenant interest.

Mr. Reid stated they are working with the major tenant Stater Bros. and he expects to be 75

percent pre-leased in the next couple of weeks.

Mr. Willoughby stated the community will be happy to have a grocery store and the design will fit in nicely for the area.

Mr. Gregorek wanted clarification regarding the fast food tenants

Mr. Reid stated Dunkin donuts and nothing else at this time.

Mr. Gregorek wanted clarification on if shops 1 & 2 would be food or retail, and would it be more fast food or sit-down restaurants.

Mr. Reid stated the intent is one hundred percent food, with the idea of more of a bar scene with outside patio areas.

Mr. Reyes wanted clarification on what is the marketing concept being used to secure leases.

Mr. Reid stated that what is really driving this project is the housing growth in the area and working with Brookfield and they feel this is an amenity to the community. He stated there is a two prong customer demand for the everyday retail customer and the entertainment customer, and the idea is to increase the amount of time they spend at the center by creating the instagrammable moments, and more intimate experiences. He stated those are the thoughts behind the landscaping and elevations.

Mr. Willoughby wanted clarification on areas 1 and 2 and the type of tenants they are looking for there and if the landscape area with the amphitheater would be used for some sort of entertainment.

Mr. Reid stated yes, that the idea is to get high-end tenants in those areas, especially those located closer to the landscaped area and have entertainment. He stated they want to make sure it is attractive and maybe even close some of the area down and have a farmer's market area.

Ron Graybill, appeared and stated he is the 2nd family to live in the community and he is a representative for the people who will be using this area. He stated this is a lot of good information and would like Mr. Noh or Frontier Real Estate Investments to come and share this information at their community meeting and ask the community for input on the design.

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

Mr. Gage stated he really loves this project and the quality of the design and architecture. He stated this is really in everyone's interest as it upgrades the center and attracts good businesses. He stated even though it is deficient in the parking by 47 spaces, he is willing to trade off for the upscale architecture and the center as a whole is a plus.

Mr. Gregorek stated he is pleased with the architecture and the old dairy aspect which brings in the history of the area. He stated he is glad the Stater Bros. and restaurants will be closer for people in the community and is comparable to what other cities in the area offer.

Ms. DeDiemar stated she is very pleased, interested and excited about the mural being

incorporated in the design. She asked the applicant to consider contacting the newest agency within the city; Community, Life and Culture, to see about getting a local artist to execute the mural.

Mr. Reyes stated he loves all the site amenities and this is those golden corners that lead into Ontario, and this is the kind of projects we need to be looking at in these areas within the city.

Mr. Delman stated he thinks this will be a great project.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to adopt a resolution to approve the Conditional Use Permit, File No., PCUP18-015, and the Development Plan, File No. PDEV17-051, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- 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.**

Senior Planner, Luis Batres, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA17-004, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted clarification on the number of buildings this included.

Mr. Batres stated this is one building.

PUBLIC TESTIMONY

Tyson Chave, with Prologis, appeared and thanked the staff for all their hard work.

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

Mr. Gage wanted to know if the size of this building will be a record within the city.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to recommend adoption of a resolution to approve the Development Agreement, File No., PDA17-004, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

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

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

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

New Business

Mr. Reyes stated that Ramone's Cactus Patch Restaurant was changing uses and wanted to thank staff and photographer for coming out and help preserve the historic aspects that were found there.

Mr. Gage wanted clarification regarding the portables that are at the historic school on 6th Street.

Ms. Wahlstrom stated this is a temporary situation as they do improvements within the school for approximately two years and then they will relandscape the front of the school.

Mr. Murphy stated the plans are that the front are will be an expanded parking lot and drop off area, to eliminate all the excess street parking and traffic.

Mr. Gage and Mr. Delman shared about the California Preservation Foundation Conference in Palo Alto.

NOMINATIONS FOR SPECIAL RECOGNITION

- Wendy's Drive Thru – 590 E. Holt Blvd.
- Auto Zone – 570 E. Holt Blvd.
- Industrial Building – 231 South Pleasant Ave.

Mr. Reyes stated this project is a good example of what is to come within the city and the Wendy's modern design looks so good and the whole complex is well landscaped.

Mr. Willoughby stated hats off to the staff for a great project, using mixed uses.

Mr. Reyes stated the lighting is all natural in the industrial building, from the sky lights.

Mr. Delman stated this is a great project that will really spice up downtown.

It was moved by DeDiemar, seconded by Reyes, to approve the Nomination for Special Recognition. The motion was carried 6 to 0.

DIRECTOR'S REPORT

Ms. Wahlstrom stated the monthly reports are in their packet.

ADJOURNMENT

Willoughby motioned to adjourn, and the motion carried. The meeting was adjourned at 8:42 PM.

Secretary Pro Tempore

Chairman, Planning Commission



PLANNING COMMISSION STAFF REPORT

June 26, 2018

SUBJECT: A Development Plan (File No. PDEV17-052) to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-1) of the Colony Commerce Center West Specific Plan (APN: 0218-292-05 and 0218-311-11); **Submitted by Colony Commerce Center LLC.**

PROPERTY OWNER: The Joseph and Doleen Borba Administrative Trust

RECOMMENDED ACTION: That the Planning Commission approve File No. PDEV17-052, 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 57.68 acres of land located along the southeast corner of Merrill Avenue and Carpenter Avenue within the Planning Area 1 land use designation of the Colony Commerce Center West Specific Plan, and is depicted in **Figure 1: Project Location**, below. The project site has been recently utilized for farming and agricultural purposes. The development will be composed of two parcels that will be consolidated into one parcel. The site is bounded to the east by the Cucamonga Creek Flood Control Channel, vacant land to the north and south, and industrial development within the City of Chino to the west. The site currently slopes from north to south at just over 1 percent.



Figure 1: Project Location

PROJECT ANALYSIS:

Background — On June 18, 2018, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to departmental conditions of approval included with this report.

Case Planner:	Luis E. Batres	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	6/18/18	Approval	Recommend
Submittal Date:	11/7/18	ZA			
Hearing Deadline:		PC	6/26/18		Final
		CC			

The applicant is requesting approval to construct an industrial building totaling 1,255,382 square feet on 57.68 acres within Planning Area 1 of the Colony Commerce Center West Specific Plan. The Colony Commerce Center West Specific Plan and Environmental Impact Report (EIR) were approved by City Council on October 3, 2017. The Colony Commerce Center West Specific Plan established the land use designations, development standards, and design guidelines for 123.17 acres, which includes the potential development of 2,951,146 square feet of industrial development (**see Figure 2: Specific Plan Land Use Summary Table**).

Planning Area (PA)	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Industrial	57.58 ac	1,379,501 SF	0.55
PA-2	Industrial	65.60 ac	1,571,645 SF	0.55
Total		123.17 ac	2,951,146 SF	0.55

Figure 2: Specific Plan Land Use Summary Table

Site Design/Building Layout — Planning Area 1 of the Specific Plan has a maximum development intensity of 1,379,501 square feet at a maximum Floor Area Ration (FAR) of 0.55. The proposed 1,255,382 square foot building, will be situated along the center of the site, with a FAR coverage (FAR) of 0.53. The Ontario Development Code requires Planning Commission approval for projects that exceed an FAR of 0.45. The proposed building has been designed to feature three potential offices pods. One office will be located at the northwest corner of the building, a second at the southwest corner and a third, at the northeast corner of the building. The building will provide setbacks of 259-feet along Merrill Avenue, 68-feet along the eastern property line (Cucamonga Creek Flood Control Channel), 174-feet along Carpenter Avenue, and 135-feet along the south property line. The building and the site screen walls for the truck courts have been designed and carefully situated, to minimize public visibility of the loading areas located along the north and south sides of the building (**see Figure 3: Site Plan**). To ensure adequate screening to the building loading areas, a 14-foot tall tilt-up screen wall will be provided. The screen wall will be designed to complement the architecture of the building.

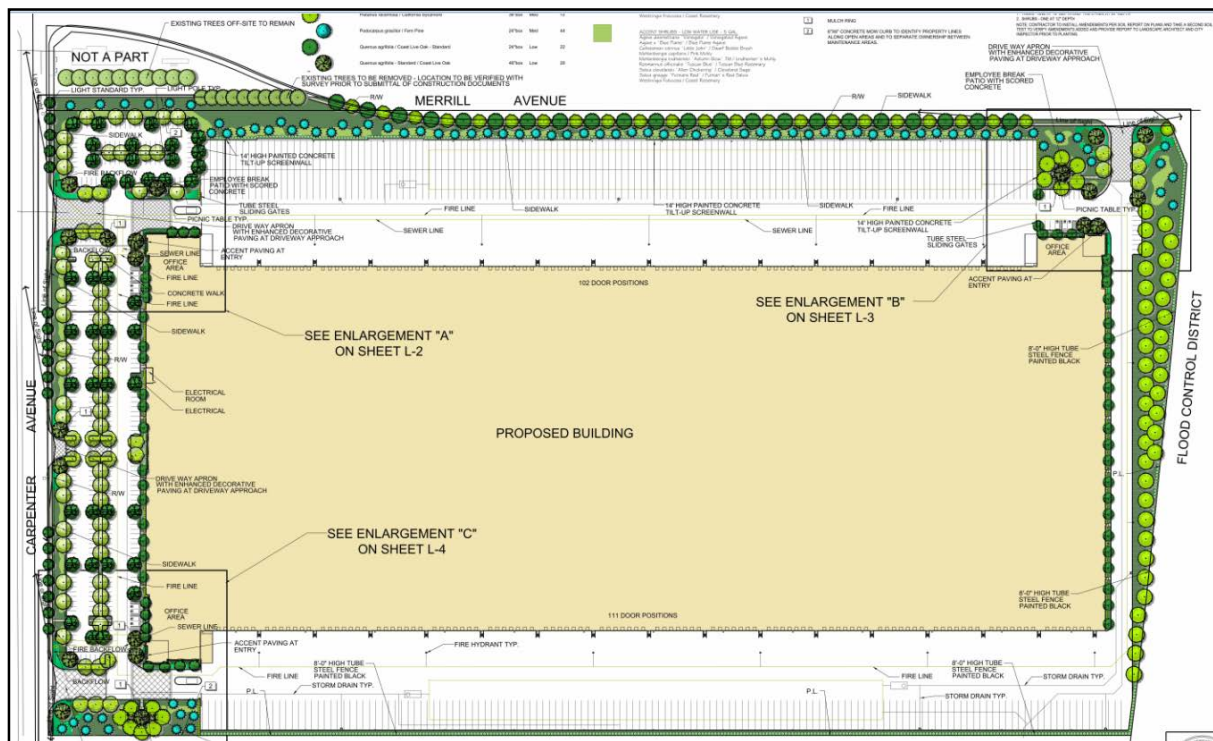


Figure 3: Site Plan

Site Access/Circulation — The circulation plan for the Colony Commerce Center West Specific Plan reinforces the goal of moving vehicles, pedestrians, cyclists, and public transit, safely and efficiently through and around the project. Access to the project site will be provided by four driveways. Three on Carpenter Avenue and one on Merrill Avenue. The goal of the circulation system is to separate truck traffic from car traffic to the largest extent possible.

Carpenter Avenue has been designed and will be widened to a two-lane, local industrial street (70-foot right-of-way). Carpenter Avenue will be improved with a four foot wide curb, adjacent landscape parkway and a five foot wide sidewalk. Merrill Avenue has been designed and will be widened to a four-lane collector (108-foot right-of-way) road. The Merrill Avenue frontage will be improved with a 7-foot parkway, 5-foot sidewalk, and a 23-foot landscape edge. Pedestrian access into the development will be provided through six foot wide sidewalks along Carpenter and Merrill Avenue.

The Merrill and Carpenter Avenue intersection is proposed to be a signalized intersection and will be required to be installed as part of the proposed development. The intersection at Merrill Avenue and Hellman Avenue is also proposed to be signalized, however, the signal improvement will not be completed until development along the north side of Merrill Avenue occurs.

Parking — As demonstrated in the table below, the specific plan requires the project to provide 638 parking spaces and 54 trailer parking spaces. The project proposes two parking layout alternatives to provide flexibility for a future tenant. As demonstrated in the parking table below, Alternative 1 proposes a total 340 parking spaces, which is 298 parking spaces less than the requirement. However, in the event that a future tenant requires 638 parking spaces or more, parking Alternative 2 could be implemented to add up to 1,125 additional parking spaces within the north truck court area of the building. The additional truck area parking spaces and the 340 standard parking spaces, provided within the western parking lot, would total 1,500 parking spaces (**see Figures 4 & 5: Alternative Site Plan 1-Parking Layout & Alternative Site Plan 2-Parking Layout**). The Development Code (Division 6.03, Section 6.03.020) allows for a reduction in parking if an alternate off-street parking plan, demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. The alternative parking plan approach has been successfully implemented on other industrial projects in the City. Staff is in support of the proposed

PARKING TABLE SUMMARY						
<i>Type of Use</i>	<i>Building Area</i>	<i>Dock Doors</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>	<i>TOTAL</i>
Proposed Parking Alternative 1						
Warehouse / Distribution	1,255,382		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	638	340	-298
Trailer Truck Parking		213	1 space for every 4 dock high doors	54	394	+340
Proposed Parking Alternative 2						
Warehouse / Distribution	1,255,382		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	638	1,500	+862
Trailer Truck Parking		213		54	140	+86

Alternative 1 parking layout, with the condition that the applicant/owner must provide all required parking within six (6) months of being notified by the City that the additional parking is required by tenant(s).

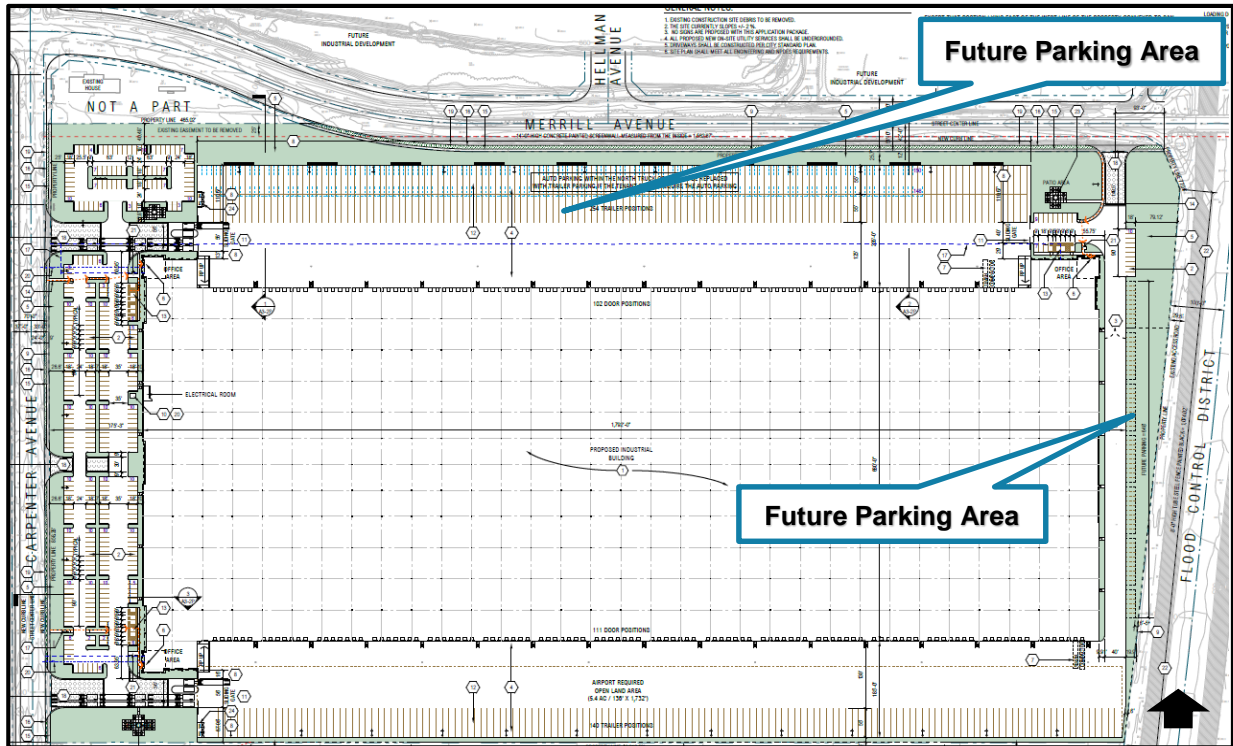


Figure 4: Alternative Site Plan 1-Parking Layout

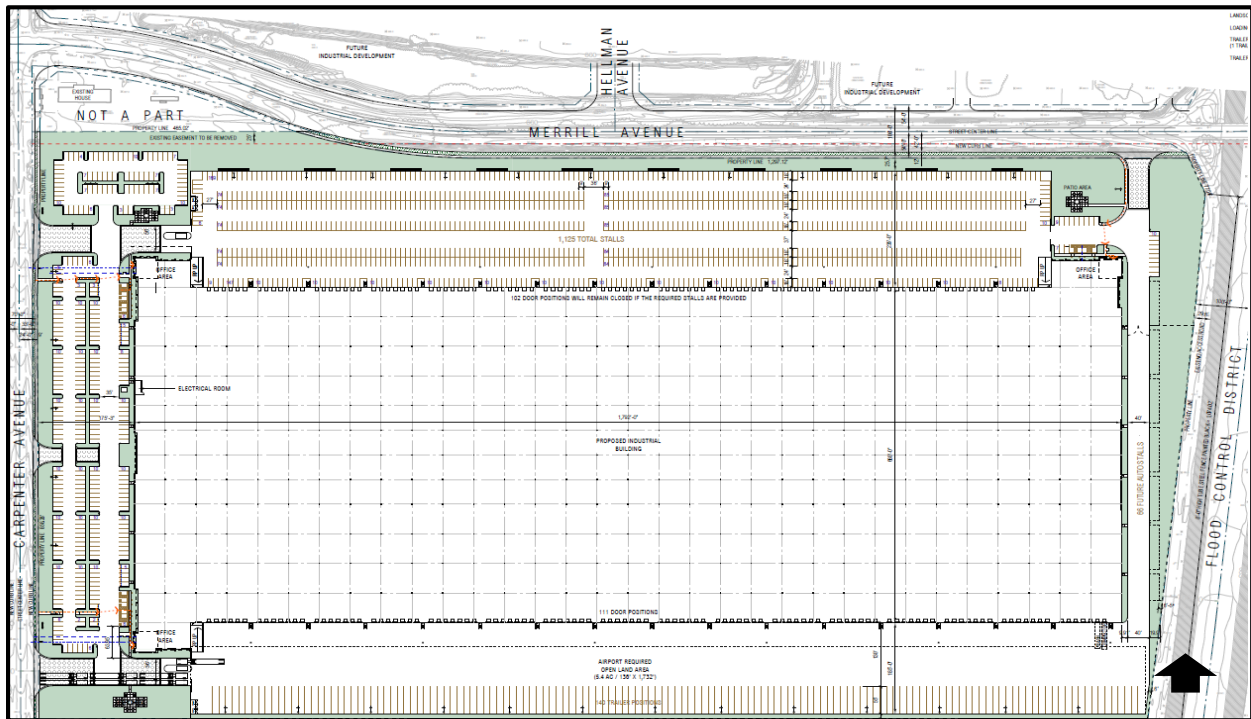


Figure 5: Alternative Site Plan 2-Parking Layout

Architecture — The project is proposing a tilt-up Contemporary Architecture style. The project is proposing a development which exemplifies high-quality architecture promoted by the Ontario Development Code and the Colony Commerce Center West Specific Plan (*see Figure 6: Typical Office Storefront, Exhibit A: Building Elevations & Exhibits B & C: Building Perspectives*). Special attention has been given to the use of colors, massing, building forms, materials and architectural details. This is exemplified through the use of:

- Extensive use of glazing on storefronts and along the upper portion of the buildings towers;
- Articulation in building foot print and building roof lines;
- Incorporation of playful reveal patterns and use of colors;
- Architectural towers at building corners and key locations along the north west, south and east elevations;
- Architectural steel fins along the upper portion of the office storefronts and middle towers;
- Decorative aluminum canopies over the front office entry areas;
- Decorative sconce light fixtures, and
- Use of stainless steel aluminum storefront framing to accentuate the office storefront areas.



Figure 6: Typical Office Storefront

Landscaping — The proposed project will provide a 10.06% (240,204 sq. ft.) landscape coverage, which is consistent with the Colony Commerce Center West Specific Plan requirement of 10% (238,623 sq. ft.) landscape coverage. Landscaping will be provided in the form of a 27-foot landscape setback along Carpenter Avenue, 66-foot average landscape setback along Merrill Avenue (minimum 26-feet), 52-foot average landscape setback along the east property line (minimum 6-feet), and a 38-foot average landscape setback along the south property line (9.88' minimum). New landscaped parkways will be provided along Merrill Avenue and Carpenter Avenue. In addition to the landscape areas on the site, portions of the north and south truck courts will be utilized as infiltration areas (underground retention systems) to comply with the National Pollutant Discharge Elimination System (NPDES) requirement (*see Figure 7: Landscape Plan*).

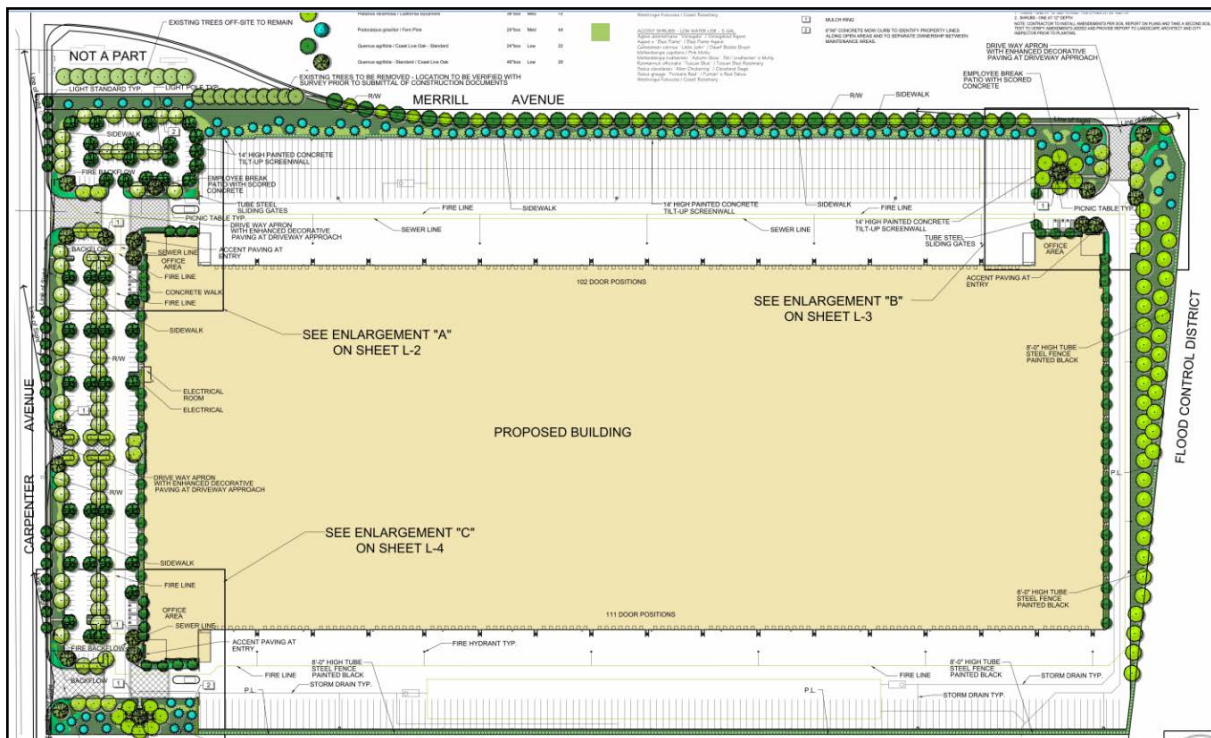


Figure 7: Landscape Plan

Landscaping in the form of ground cover, shrubs and trees will also be provided along the interior parking lot areas of the development, to further enhance the project. The front office entry areas have been designed with large attractive plaza areas. The plaza areas will feature decorative scored paving, up/down lighting and enhanced landscaping. Decorative scored paving will also be provided along the entry driveways. In addition, three leisure patio areas have also been incorporated adjacent to the office areas, for staff and guest to enjoy. The patio areas measure an average of 25-feet by 30-feet. The leisure areas have been designed with decorative paving, accent planting, raised planters, accent shade trees and decorative weather resistant outdoor furniture.

Utilities— To serve the proposed industrial development, the project will be required to construct infrastructure improvements per the Colony Commerce Center West Specific Plan requirements. Some of the improvements will include the following:

- Install new fire hydrants on Carpenter Avenue and Merrill Avenue;
- Install a master planned storm drain line in Merrill Avenue and the connection to the Cucamonga Creek Channel;
- Install a main line and service water line on Carpenter Avenue;
- Install a service recycled water line;
- Install a traffic signal system at the Merrill Avenue/Carpenter Avenue intersection;
- Install street lights along Carpenter Avenue and Merrill Avenue;
- Install a storm drain on Carpenter Avenue;
- Design and construct a fiber optic system;
- Underground existing overhead utilities; and
- Submit a Water Quality Management Plan (WQMP) to address NPDES requirements.

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
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

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

[4] Policy Plan (General Plan)

Land Use Element:

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

- LU1-6 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.

➤ CD3-6 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.

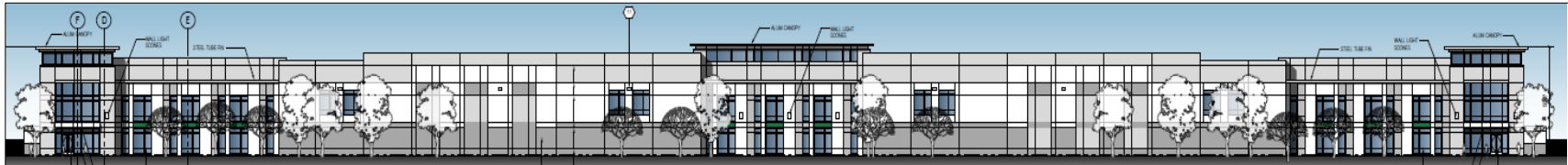
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element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

CONDITIONS OF APPROVAL: See attached department reports.

Exhibit A— Building Elevations



West Elevation



North Elevation



South Elevation



East Elevation

Exhibit B: Color Perspective-Northeast Corner



Exhibit C: Color Perspective-Northwest Corner



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 & Agriculture	Industrial	Planning Area 1 (PA-1)	Industrial
<i>North</i>	Vacant & Agriculture & Single Family Home	Industrial	SP(AG)	NA
<i>South</i>	Vacant & Agriculture	Industrial	Planning Area 2 (PA-2)	Industrial
<i>East</i>	Flood Control Channel	Open Space-Non Recreation	SP(AG)	N/A
<i>West</i>	Industrial City of Chino	Industrial	Industrial	N/A

General Site & Building Statistics:

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	57.68 acres (net 54.78 acres)	1 acre	Yes
<i>Building Area:</i>	1,255,382 sq. ft.	N/A	Yes
<i>Floor Area Ratio:</i>	53%	55% (Max.)	Yes
<i>Building Height:</i>	50 feet	55 feet (Max.)	Yes

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-052, A DEVELOPMENT PLAN TO CONSTRUCT A 1,255,382 SQUARE FOOT INDUSTRIAL BUILDING ON 57.68 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED ALONG THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 1 (PA-1) OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—
APN: 0218-292-05 & 0218-311-11.

WHEREAS, Colony Commerce Center LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-052, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 57.68 acres of land generally located along the southeast corner of Merrill Avenue and Carpenter Avenue within the Planning Area 1 land use designation of the Colony Commerce Center West Specific Plan; and

WHEREAS, the property to the north of the Project site is developed with a single family home and vacant/agricultural land. The property to the east is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within the industrial land use designation (Planning Area 2) of the Colony Commerce Center West Specific Plan and has been entitled to be developed with two industrial buildings. The property to the west is developed with industrial buildings, which are located within the City of Chino; and

WHEREAS, the Colony Commerce Center West Specific Plan is composed of 123.17 acres of land which includes the potential development of 2,951,146 square feet of industrial development; and

WHEREAS, the proposed building has been designed to feature three potential offices pods. One office will be located at the northwest corner of the building, a second at the southwest corner and a third, at the northeast corner of the building; and

WHEREAS, the building will provide setbacks of 259-feet along Merrill Avenue, 68-feet along the eastern property line (Cucamonga Creek Flood Control Channel), 174-feet along Carpenter Avenue, and 135-feet along the south property line. The building and the site screen walls for the truck courts have been designed and carefully situated, to minimize public visibility of the loading areas located along the north and south sides of the building; and

WHEREAS, the project proposes two parking layout alternatives to provide flexibility for a future tenant. Alternative 1 proposes a total 340 parking spaces, which is 298 parking spaces less than the requirement. However, in the event that a future tenant requires 638 parking spaces or more, parking Alternative 2 could be implemented to add up to 1,125 additional parking spaces within the north truck court area of the building. The additional truck area parking spaces and the 340 standard parking spaces, provided within the western parking lot, would total 1,500 parking spaces. This is a surplus of 862 parking spaces and 86 trailer parking spaces from what is required. The Development Code (Division 6.03, Section 6.03.020) allows for a reduction in parking if an alternate off-street parking plan, demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use; 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 reviewed in conjunction with File No. PSP15-001, Colony Commerce Center West Specific Plan for which an Environmental Impact Report (EIR) SCH#2015061023 was adopted by the City Council on October 3, 2017, 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, the project is subject to the requirements of the related Development Agreement, File No. PDA17-004.

WHEREAS, on June 18, 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. DAB18-035, recommending the Planning Commission approve the Application; and

WHEREAS, on June 26, 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 Colony Commerce Center West Specific Plan EIR (SCH#2015061023) and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Environmental Impact Report, certified by the City of Ontario City Council on October 3, 2017, in conjunction with File No. PSP15-001; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision making 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 1,255,382 square foot industrial building on 57.68 acres of land, is located within the Industrial land

use district of the Policy Plan Land Use Map, and Planning Area 1 of the the Colony Commerce Center West 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. The proposed development 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 (TOP), under the following goals and policies:

- a. Policy LU1-5, which goal is to coordinate land uses, infrastructure, and transportation planning to achieve a jobs-housing balance; and
- b. Policy LU1-6, which states that we incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community.

Furthermore, the design and proposed improvement of the development are 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); 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 proposed 1,255,382 square foot industrial building on 57.68 acres of land has been designed consistent with the requirements of the City of Ontario Development Code and Planning Area 1 of the Colony Commerce Center West Specific Plan, including standards relative to the particular land use proposed (industrial), 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 proposed development has been designed to maximize the subject property, in addition, the proposed development will comply with all the setbacks, parking and landscape requirements for the zone. The proposed project is not requesting any Variances, therefore, it complies with all the Specific Plan development requirements. In addition, all the City departments such as traffic, police , engineering, utilities, planning and building and safety have reviewed the proposed development and they are in support of the project, subject to the attached conditions of approval; 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 Colony Commerce Center West 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 Colony Commerce Center West Specific Plan. In addition, an Environmental Impact Report (EIR) was prepared for the project under File No. PSP15-001, and all the mitigation measures for any impacts were identified and adopted by City Council on October 3, 2017. No new impacts are anticipate as a result of the proposed development; 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 1,255,382 square foot industrial building on 57.68 acres has been reviewed for consistency with the general development standards and guidelines of the Colony Commerce Center West Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed. As a result of this review, the Planning Commission has found the project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Colony Commerce Center West Specific Plan.

SECTION 6: 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 7: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of June 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 June 26, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-052
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: June 26, 2018

File No: PDEV17-052

Related Files: PSP15-001

Project Description: A Development Plan (File No. PDEV17-052) to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-1) of the Colony Commerce Center West Specific Plan. APN(s): 0218-292-05 and 0218-311-11; **submitted by ProLogis LP.**

Prepared By: Luis E. Batres, Senior Planner
Phone: 909.395.2431 (direct)
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.

(e) All entry plaza areas to office pods and outdoor patio areas shall also feature color decorative paving. The color used shall have a strong earth tone contrast, so that it stands out.

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 color used shall have strong earth tone contrast, so that it stands out. Applicant shall work with staff during the plan check process to comply with this request.

(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.

(d) 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.

(e) 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

2.7 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) No wall packs are allowed within public views.

(d) Decorative up and down lighting shall be provided at key architectural and landscape areas to enhance the project in the evening hours. Applicant shall work with staff during the plan check process to finalize the locations.

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).

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

2.12 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP15-001, Colony Commerce Center West Specific Plan for which an EIR (SCH# 2015061023) was previously adopted by the City Council on October 3, 2017. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.

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

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

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

2.14 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the

requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

2.15 Additional Requirements.

(a) A Sign Program for the entire site shall be submitted and approved by the Planning and Building Department before any signs (wall/monument signs) are installed on the site.

(b) The proposed future parking areas on the Site Plan (Plan 1), shall be provided within 6-months after you (tenant or owner) are notified by the City that the parking is necessary.

(c) Cut-sheets of all exterior decorative lighting fixtures shall be submitted to the Planning Department for final approval during the plan check process.

(d) The applicant shall work with staff during the plan check process to add the same decorative trellis feature proposed on the north side of the screen wall, along the east and west sides of the loading dock area screen walls.

(e) All exterior metal/wrought iron fencing shall be powder coated to prevent rust. Construction plans shall include a note on the plans.

(f) Applicant shall design the proposed northwest corner pedestrian path of travel from the public sidewalk to the front office area, so that the path provides a 5-foot wide landscape planter on each side.

(g) Applicant shall plant vine pockets all along the south property line fence so that they attach to the fence/wall.



**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. PDEV17-052 RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E. (909) 395-2137 *BL*

CITY PROJECT PLANNER & PHONE NO: Luis Batres, (909) 395-2431

DAB MEETING DATE: June 26, 2018

PROJECT NAME / DESCRIPTION: PDEV17-052, a Development plan to construct one industrial building totaling 1,255,517 square feet on approximately 54.78 acres of land within the Colony Commerce Center West Specific Plan

LOCATION: ~~Southwest corner of Merrill Avenue~~
Southwest corner of Merrill Avenue

APPLICANT: Prologis L.P.

REVIEWED BY: *N. Khoury*
Naim Khoury
Associate Engineer 6-12-18
Date

APPROVED BY: *K. Do*
Khoi Do, P.E.
Assistant City Engineer 6-12-18
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 DEVELOPMENT PROJECT 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/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 Deed to Dave Akkerman & Angeline Alta Akkerman, Recorded Oct. 24, 1945 in Book 1838, Page 81, Official Records, San Bernardino County.**
- 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) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA) - Recycled Water connection/relocation**
 - Other: City of Chino - for any Improvements encroaching into the City of Chino**

- 2.10 Dedicate to the City of Ontario the right-of-way, in fee simple, described below:
 1. South side of Merrill Avenue to achieve the ultimate half street width of 54 feet from the intersection of Merrill Avenue/Carpenter Avenue to the easterly project limits.
 2. East side of Carpenter Avenue to achieve the ultimate half street width of 33 feet from the southerly project limits to the intersection of Merrill Avenue/Carpenter Avenue.
 3. Additional 23' on the south side of Merrill Avenue for neighborhood edge.

Property line corner 'cut-back' required at the intersection of:

 1. Merrill Avenue and Carpenter Avenue.

- 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 \$2,169,835, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.

2.16 Other conditions:
1. **The applicant/developer shall vacate the existing southern 25' of Merrill Access Road located between the project site and APN 0218-261-24 ("Not A Part"). If the existing overhead utilities within Merrill Access Road are located on the applicant/developer's portion of the vacated roadway, they shall be undergrounded per the City of Ontario's Ordinance.**
2. **The applicant/developer shall acquire the property line corner 'cut-back' at the southeast corner of Carpenter Avenue and Merrill Avenue per City of Ontario Standard Drawing No. 1301.**
3. **The applicant/developer shall acquire right-of-way necessary along Merrill Avenue and Carpenter Avenue adjacent to "Not A Part" APN 0218-261-24 to construct full half-street improvements on the south and east side including, but not be limited to, curb and gutter, signing and striping and traffic signal.**



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	Merrill Avenue	Carpenter Avenue	Remington Avenue	County Line Channel
Curb and Gutter	<input checked="" type="checkbox"/> New; 42 ft. from C/L ⁽¹⁾ <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 24 ft. East of C/L ⁽¹⁾ <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement (see Sec. 2.F)	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 40 ft. along project frontage, including pavm't transitions	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 22 ft. east of C/L 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 checked="" 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 checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace
Sidewalk	<input checked="" type="checkbox"/> New ⁽¹⁾ <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New ⁽¹⁾ <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 checked="" 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	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees ⁽¹⁾ <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees ⁽¹⁾ <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)
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 type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input checked="" type="checkbox"/> Main ⁽²⁾ <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input 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	<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 type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <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 checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" 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	_____ _____ _____	Removal of existing pavement that is not constructed to ultimate depth	_____ _____ _____	_____ _____ _____
Other Improvements	<input checked="" type="checkbox"/> Widen south side of bridge to ultimate width	_____ _____ _____	_____ _____ _____	_____ _____ _____

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

1. The applicant/developer will be required to construct curb and gutter and roadway improvements (parkway improvements will not be required) adjacent to "Not a Part", APN 0218-261-24.
2. The applicant/developer shall install all master planned utilities to be placed under new roadway designed to the ultimate condition.



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

C. SEWER

- 2.23 A _____ inch sewer main is available for connection by this project in _____ (Ref: Sewer plan bar code: _____)
- 2.24 **Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 3,100 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. **Carpenter Trunk Sewer:** Install the Sewer Master Plan Carpenter Trunk Sewer from just north of Merrill Avenue and southerly to connect to the Eastern Trunk Sewer at Moon Place. Carpenter Trunk Sewer at minimum consists of: Installing a 24-inch main in Carpenter Avenue from just north of Merrill Avenue to Remington Avenue; and, installing a 24-inch sewer main in Remington Avenue from Carpenter to Moon Place; and, installing a 24-Inch sewer main in Moon Place from Remington Avenue to connect with IEUA's Eastern Trunk Sewer along the County Line.
 2. **Onsite Sewer System and Plumbing:** The Onsite Sewer System shall be privately maintained by the property owner 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 with the public sewer system.
 3. **Wastewater Discharge:** Each Occupant of the building, or units, 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 A _____ inch water main is available for connection by this project in _____
(Ref: Water plan bar code: _____)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately 2,600 feet away.
- 2.29 Other conditions:
1. The proposed project is required to have a minimum of two separate points of connection to the 925 PZ potable water system. In order to meet minimum fire flow, one point of connection will be at Archibald & Merrill and the second at Archibald & the County Line Channel/Bellegrave Avenue. Applicant/developer is responsible for acquiring all necessary easements from the owner of APN's 0218-311-07 & 08.
 - a. Install a 12-inch 925PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 925PZ Potable Water main in Archibald Avenue and extending to Carpenter Avenue.
 - b. Install a 12-inch 925PZ Potable Water main in Carpenter Avenue connecting from Merrill Avenue to Remington Avenue.
 - c. Install a 12-inch 925PZ Potable Water main in Remington Avenue connecting from existing 12-inch 925PZ Potable Water main in Archibald Avenue and extending to Carpenter Avenue.

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:
1. Install a 12-inch 930PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 930PZ Recycled Water main in Archibald Avenue and extending to Carpenter Avenue.
 2. Relocate existing IEUA 30-inch 800PZ Recycled Water Main in Carpenter Avenue from just south of south project boundary, along Carpenter Project frontage, to just north of Merrill Avenue.
 3. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
 4. Recycled Water Service Requirements: The applicant shall comply with each of the following requirements in order to receive Recycled Water Service service:



Prior to Building Permits Issuance:

- a. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.

Prior to Occupancy Release/Finalizing:

- b. Pass start-up and cross-connection test successfully.
- c. Provide evidence demonstrating the training of on-site supervisor or designee as determined in the ER.

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:
 - 1. The proposed driveways on the "Not a Part" parcel shall be designed and constructed in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway Approach to accommodate the appropriate design vehicles for the site.
 - 2. Merrill Avenue and Carpenter Avenue shall be signed "No Stopping Anytime".
 - 3. The Applicant/Developer shall be responsible to design and construct street improvements along project frontage in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, parkway landscaping, and, where designated, "neighborhood edge" and/or multi-purpose trail.
 - 4. The Applicant/Developer shall be responsible to acquire the necessary right of way, design and construct a traffic signal at Merrill Avenue and Carpenter Avenue. The traffic signal modification shall address the relocation of any equipment including video detection, CCTV, interconnect cable and conduit, battery back-up, 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.
 - 5. If, at the time of construction of PDEV17-052, the intersection of Carpenter and Merrill Avenue has not been improved to its "ultimate" configuration, Applicant/Developer shall design and construct intersection improvements at the intersection of Carpenter and Merrill Avenue to facilitate turning movements and trucks. This shall include:
 - a. Westbound left-turn pocket with appropriate length and pavement transitions;
 - b. Eastbound left-turn pocket with appropriate length and pavement transitions;
 - c. Any other improvements identified in the Traffic analysis.
 - d. Acquisition of all right-of way necessary to achieve above.
 - 6. Driveways shall be constructed in accordance with Standard Drawing No. 1204 for Commercial Drive Approach.
 - 7. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing and striping and/or street lighting design to



discuss items such as signal phasing, striping layout and tie-ins to existing or future street light circuits.

8. The applicant/developer shall widen the southern half of the existing Merrill Avenue bridge at the Cucamonga Creek Channel crossing to its ultimate width.

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:**
1. **The applicant/developer shall construct the master planned storm drain lines in Merrill Avenue along the project frontage and the connection to the Cucamonga Creek Channel.**
 2. **The applicant/developer shall either connect directly to the Cucamonga Creek Channel or coordinate with the developer to the south in order to accommodate this projects on-site runoff flows.**

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 along the Merrill and Carpenter Avenue project frontage.
- 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 Handling Plan (SWHP):** A SWHP and Report shall 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 :

- 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.
- 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.
- 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: PDEV 17-052,

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: _____



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres, Senior Planner
Planning Department

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

DATE: October 31, 2017

SUBJECT: PDEV17-052 - A Development Plan to construct one industrial building totaling 1,255,517 square feet on approximately 54.78 acres of land, located at 9467 Merrill Avenue, within the Colony Commerce Center West Specific Plan (APNs: 0218-292-05 and 0218-311-11).

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

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: III B
- B. Type of Roof Materials: Ordinary/Flat
- C. Ground Floor Area(s): 1.25 Million Sq. Ft.
- D. Number of Stories: 1
- E. Total Square Footage: 1.25 Million
- F. 2016 CBC Occupancy Classification(s): B /S / F-1

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 4000 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.

- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 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.
- ☒ 4.5 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.
- ☒ 5.6 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.



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres, Planning Department

FROM: Douglas Sorel, Police Department

DATE: November 9, 2017

SUBJECT: PDEV17-052 – A DEVELOPMENT PLAN TO CONSTRUCT AN INDUSTRIAL BUILDING AT 9467 MERRILL AVENUE

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

- 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 all construction site security requirements as stated in the Standard Conditions.

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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-052
 Address: 9647 Merrill Avenue
 APN: 0218-292-05 & 0218-311-11
 Existing Land Use: Vacant
 Proposed Land Use: 1,255,517 square foot industrial building
 Site Acreage: 54.78 Proposed Structure Height: 50 ft
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Luis Batres
 Date: 05/15/18
 CD No.: 2017-073 Rev 2.
 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 type="radio"/> 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: 120 - 130 ft

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. The proposed project is located within the Airport Influence Area of Chino Airport and found to be consistent with the California Airport Land Use Planning Handbook provided the following conditions are met:

See Attached.

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

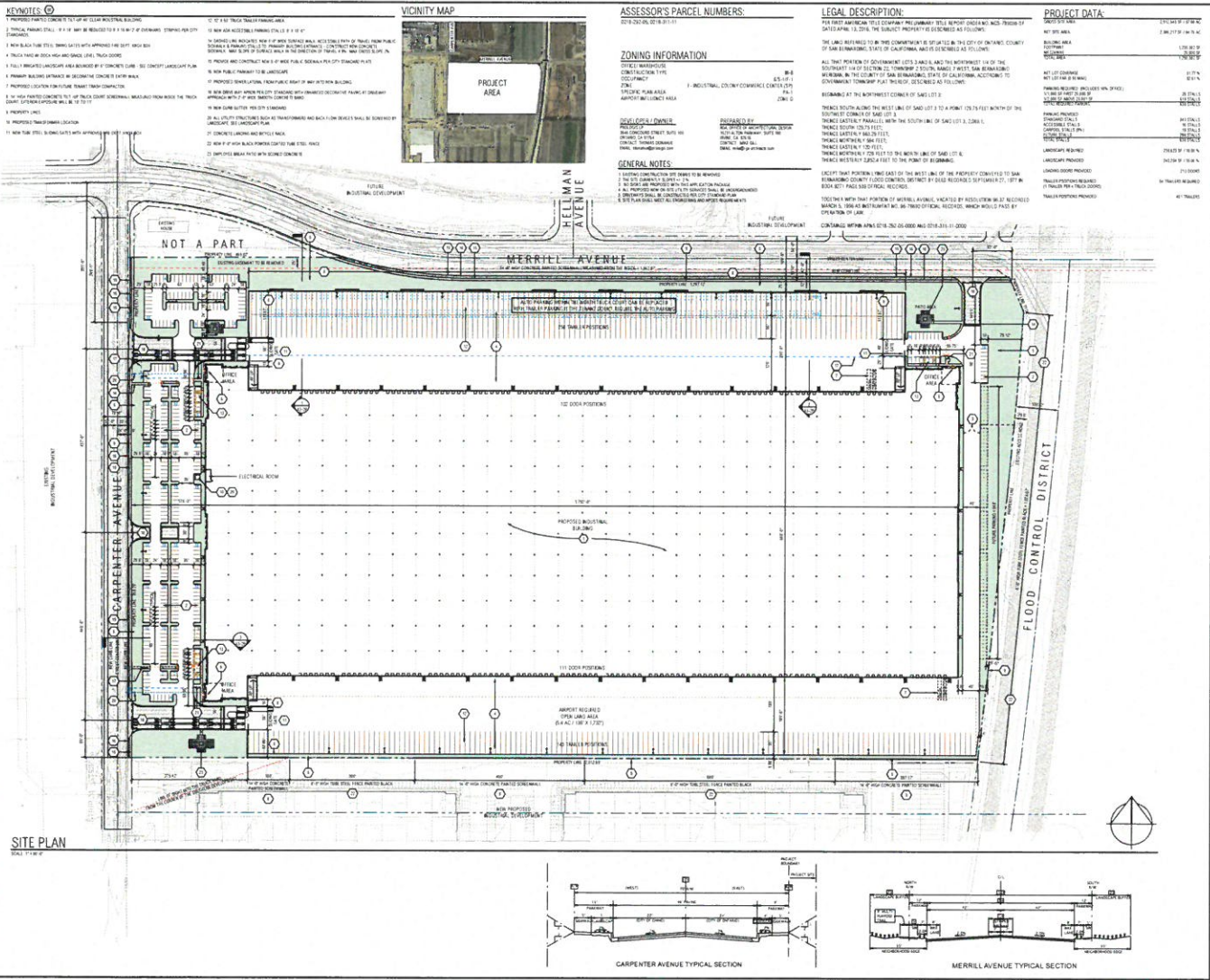
CONSISTENCY DETERMINATION REPORT

CD No.: 2017-073 Rev. 2

PALU No.:

PROJECT CONDITIONS

1. The project will need to provide a minimum of 10% open land for the project net area of 54.78 acres, 5.4 acres of open land is required and has been provided.
2. The attached open land exhibit identifies the interior truck yard as an acceptable location for meeting the open land requirements. The area within the truck yard designated for open land shall remain free of permanent structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
3. Project is located within Safety Zone 6 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed.



- KEYNOTES:**
1. FINISH FLOOR ELEVATION IS 10' 0" ABOVE FINISH GRADE UNLESS OTHERWISE NOTED.
 2. FINISH GRADE SHALL BE 1" BELOW FINISH FLOOR ELEVATION UNLESS OTHERWISE NOTED.
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 20. FINISH GRADE SHALL BE 1" BELOW FINISH FLOOR ELEVATION UNLESS OTHERWISE NOTED.



ASSESSOR'S PARCEL NUMBERS:
0219-2024-018-011

ZONING INFORMATION

OFFICE: INDUSTRIAL
 OCCUPANCY: I-1
 ZONE: I-1 INDUSTRIAL, COUNTY COMMERCIAL CENTER ZONE
 SPECIAL USE AREA: AGRICULTURE

GENERAL NOTES:

1. EXISTING CONDITIONS NOT SHOWN TO BE REMOVED.
2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS SHALL BE TO OUTLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
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19. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.

LEGAL DESCRIPTION:

PLAT FIRST AMERICAN TITLE COMPANY AND JUDICIAL SALE PROCEEDING OF SALES AREA 10, 2014, THE SUBJECT PROPERTY DESCRIBED AS FOLLOWS:

THE LAND REFERRED TO IN THIS COMPARTMENT IS SITUATED IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF GOVERNMENT LOTS 3 AND 4 AND THE WESTWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 23 SOUTH, RANGE 1 WEST, SAN BERNARDINO COUNTY, SAN BERNARDINO COUNTY, CALIFORNIA, ACCORDING TO GOVERNMENT TOWNSHIP PLAT NO. 100, AS SHOWN, DESCRIBED AS FOLLOWS:

BEING: AT THE NORTHWEST CORNER OF SAID LOT 3

THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 3 TO A POINT 107.76 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 3

THENCE EAST 107.76 FEET PARALLEL WITH THE SOUTH LINE OF SAID LOT 3, CORNER 1

THENCE SOUTH 107.76 FEET

THENCE WEST 107.76 FEET

THENCE NORTH 107.76 FEET TO THE WEST LINE OF SAID LOT 3

THENCE WEST 107.76 FEET TO THE POINT OF BEGINNING

EXCEPT THAT PORTION LIES EAST OF THE WEST LINE OF THE PROPERTY CONVEYED TO SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDS 507168 AND 511871 IN BOOK 107, PAGE 107 OF PUBLIC RECORDS.

TOGETHER WITH THAT PORTION OF MERRILL AVENUE, VICINITY BY RESOLUTION NO. 1000000, MAR 13, 2004, AS SET FORTH IN SAID RESOLUTION, RECORDS 507168 AND 511871 IN BOOK 107, PAGE 107 OF PUBLIC RECORDS, WHICH WOULD BE PAID BY OPERATION OF LAW.

CONTAINS WITHIN THEREOF 20,000 SQ. FT. (0.458 AC.)

PROJECT DATA

PROJECT NO.	1000000
DATE	10/10/2024
PROJECT NAME	SOUTH ONTARIO BUSINESS PARK LAND AREA 1
CLIENT	PROLOGIS
DESIGNER	PROLOGIS
DATE	10/10/2024
PROJECT NO.	1000000
DATE	10/10/2024
PROJECT NAME	SOUTH ONTARIO BUSINESS PARK LAND AREA 1
CLIENT	PROLOGIS
DESIGNER	PROLOGIS
DATE	10/10/2024

RG A

South Ontario Business Park Land Area 1

8407 MERRILL AVENUE
CITY OF ONTARIO, CALIFORNIA

PROLOGIS

3046 CONCOURSE STREET
SUITE 100
IRVINE, CALIFORNIA 92614
CONTACT: THOMAS DONAHUE
tdonahue@prologis.com

SITE PLAN

DATE: 10/10/2024

PROJECT NO.: 1000000

DATE: 10/10/2024

PROJECT NAME: SOUTH ONTARIO BUSINESS PARK LAND AREA 1

CLIENT: PROLOGIS

DESIGNER: PROLOGIS

DATE: 10/10/2024

PROJECT NO.: 1000000

DATE: 10/10/2024

PROJECT NAME: SOUTH ONTARIO BUSINESS PARK LAND AREA 1

CLIENT: PROLOGIS

DESIGNER: PROLOGIS

DATE: 10/10/2024

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

CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	2/8/18 Date

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

D.A.B. File No.: PDEV17-052 Rev 2	Case Planner: Luis Batres
--------------------------------------	------------------------------

Project Name and Location:
 South Ontario Business Park Land Area 1
 9467 Merrill Ave, Colony Commerce Center SP West.

Applicant/Representative:
 Pro-Logis LP/ Tom Donahue
 3546 Conours St Ste 100
 Ontario CA 91764

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A Preliminary Landscape Plan (dated 1/4/18) 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 show 10% with landscaping not including right of way or paved areas.
2. Dimension a 4' set back from paving for backflows, 5' for transformers.
3. Coordinate civil plans with landscape plans to keep any utilities out of required tree locations.
4. 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.
5. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs, or 12" wide pavers or DG with edging where parking spaces are adjacent to planters.

Landscape Plans

6. Street trees per the Ontario Ranch (NMC) Streetscape Master Plan on Merrill, Quercus agrifolia 30' oc and background trees, groups of Cercis Canadensis 'Forest Pansy, alternating with Quercus, Pgs 72-73, 76.
7. Note on plans the CEQA habitat protection measures and time frame required for any trees proposed to be removed.
8. Call out type of proposed irrigation system (dripline with stream spray bubblers for trees) and include preliminary MAWA calculation.
9. Show concrete mowstrips to identify property lines where walls or fences are not provided.
10. 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.
11. Show 25% of trees as California native (Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations. Limit use of recently discovered shot hole borer pest and reproductive host trees: Platanus racemosa. Reduce quantity and provide wide spacing. See <http://ipm.ucanr.edu/PMG/r8302011.html>

12. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
13. 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
Total.....	\$2,604.00

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

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: October 26, 2017
SUBJECT: PDEV17-052

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

Conditions of Approval

1. The Site address for this project will be 5051 S Carpenter Ave

KS:lm



PLANNING COMMISSION STAFF REPORT

June 26, 2018

SUBJECT: A Variance to deviate from the minimum Development Code standards for parking setbacks along an arterial street, from 20 feet to 13 feet, for an existing senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 S. Mountain Avenue, within the Medium Density Residential (MDR-18) zoning district; (APN: 1014-461-12); **submitted by Inland Christian Home, INC.**

PROPERTY OWNER: Inland Christian Home, INC.

RECOMMENDED ACTION: That the Planning Commission approve File No. PVAR18-001, 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 8.74 acres of land located at 1950 S. Mountain Avenue, within the MDR18 (Medium-Density Residential) zoning district, and is depicted in **Figure 1: Project Location**. The project site is currently developed with a continuing care retirement community. The properties to the north and south of the project site are zoned MDR18, and are currently developed with multi-family residential uses. The properties to the west of the project site are zoned AR2 (Residential-Agricultural), and are currently developed with single-family homes. The properties to the east of the project site are MDR18 and LDR5 (Low-Density Residential), and are developed with multi-family housing and a church, respectively.

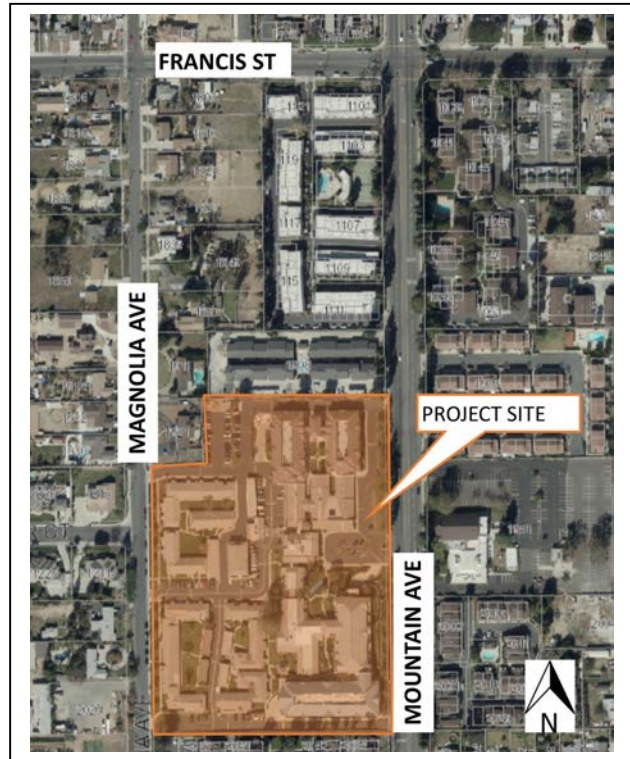


Figure 1: Project Location

PROJECT ANALYSIS:

Case Planner:	Alexis Vaughn	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	2/23/18	ZA			
Hearing Deadline:	N/A	PC	6/26/18		Final
		CC			

[1] Background — The site was developed with a senior housing and continuing care retirement community in the 1980s (**See Exhibit A – Project Location Map**). Inland Christian Home, a non-profit organization, offers an assortment of residential options for seniors, including independent and assisted living, skilled nursing, memory care, adult daycare and in-home care.

On February 23, 2018, the Applicant applied for a Variance (PVAR18-001) to deviate from the minimum Development Code standard for parking setbacks, from 20 feet to 13 feet at the front property line (**See Exhibits B and C regarding existing and proposed site plans**). Due to the existing configuration of the campus and required circulation/drive aisles for emergency vehicle access, options to provide additional parking for the facility are limited. Thus, the Applicant has proposed a reduction in the front landscaping setback as described in order to provide added convenience and accommodate additional parking for visitors and staff of the adjacent skilled nursing facility.

[2] Site Design/Building Layout — No changes to the existing buildings are proposed.

[3] Site Access/Circulation — The site is accessed by three existing driveways along the east property line of the site. No changes are proposed to any of the drive approaches; however, one of the drive aisles leading from the center drive approach toward the north end of the site will be altered slightly to accommodate the project’s new parking.

[4] Parking — The project will alter an existing 11-stall parking lot to add 15 new stalls, for a total of 26 parking stalls in the immediate project area (**See Exhibit D – Scope of Work Detail**) and 267 parking stalls overall. Overall, the site currently provides 252 parking spaces on-site to accompany 221 total living units on the campus. The campus includes 71 apartments (16 one-bedroom, 53 two-bedroom, and 2 studios), 41 cottages (15 one-bedroom and 26 two-bedroom), 32 assisted living and 18 memory care (one-bed sleeping rooms), and 59 skilled nursing beds.

The project will allow the campus to provide off-street parking pursuant to the “Senior Citizen Housing – Market-Rate Development” parking standards specified in the Development Code. The off-street parking calculations for the project are as follows:

<i>Type of Use</i>	<i>Number of Dwelling Units</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Senior Citizen Housing – Income Qualified Development	221	One resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (below).	221	
Guest/Visitor	> 100 dwelling units	One space per 6 dwellings.	37	
TOTAL			258	267

The facility currently has a deficit of six parking spaces per today's Development Code standards; however, with the addition of the proposed 15 new parking spaces, the campus would have a surplus of nine parking spaces. Per the Code, there is no maximum limit as to the number of parking spaces that may be provided for residential uses, and any additional parking over the requirement may be provided as a matter of right. Further, the availability of additional parking provides added convenience to both visitors and skilled nursing staff of the facility.

[5] Landscaping — The campus provides a variety of landscaped courtyards and recreational uses interior to the facility, with a landscaped front setback along Mountain Avenue. Overall, the campus provides 130,456 square feet of landscaping, which is approximately 34% landscape coverage of the 8.74-acre lot. Per the current Development Code standards, multi-family facilities are required to provide 500 square feet of total open space per residential unit, which the facility more than covers with turf areas alone. In addition to the turf areas, other open-space amenities have been provided, such as a gazebo, an outdoor play court (shuffleboard), and benches along a meandering pathway between buildings. Additionally, the average depth of landscaping along the entire project site's frontage is 26.6 feet, as a large stretch of the site enjoys upwards of 38 feet of landscape setbacks, excluding the parkway.

The proposed project will result in an overall loss of 2,286 square feet of landscaping to accommodate the additional parking spaces, within an area currently made up of grass and mature Canary Island Pine street trees. While the street trees are to remain protected in place, the proposed project will also replace the parkway turf grass with drought-tolerant landscaping adjacent to the scope of work area (2,714 square feet), as well as introduce a few small landscape fingers where they previously did not exist (total of 138 square feet). The applicant will work with staff in plan check to finalize the drought-tolerant planting palette.

[6] Variance - The Variance request to deviate from the minimum Development Code standard for parking setbacks, from 20 feet to 13 feet at the front property line, is needed in order to provide additional parking for facility. Currently, the site is deficient by six parking spaces per today's Development Code standards; however, with approval of the requested Variance, the project would provide a surplus of nine parking spaces. The additional parking spaces will provide an added amenity and convenience to both visitors of and skilled nursing staff for the facility. With the requested parking setback reduction of 13 feet, the project will still provide an average parking landscape setback of 26.6 feet along the entire Mountain Avenue frontage of the project. Staff believes that the Variance request is consistent with The Ontario Plan (TOP) Goal LU3, which promotes flexibility in order to respond to special conditions and circumstances in order to achieve the Vision. In acting on a Variance request, the Planning Commission must consider and clearly establish certain findings of fact, which are prescribed by State law and the City's Development Code. The following facts and findings have been provided as basis for approval of the requested variance:

(1) ***The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code.*** The 8.74-acre site is fully developed with a senior living facility, including open space requirements and paths of travel. The current configuration of the buildings and amenities creates constraints to the provision of additional on-site parking spaces. In addition, no parking is allowed on Mountain Avenue. Currently, the site is deficient by six parking spaces per today's Development Code standards; however, with approval of the requested Variance, the project would provide a surplus of nine parking spaces. The additional parking spaces will provide an added amenity and convenience to both visitors of and skilled nursing staff for the facility. Further, the project site will still meet the minimum open space requirements per the Development Code, an average landscape setback of 26.6 feet and allow for adequate access for emergency vehicles. In addition, TOP Policy Plan Goal LU3 allows for flexible response to conditions and circumstances in order to achieve the Vision. Strict interpretation and enforcement of the Development Plan's front parking setback would result in practical difficulty inconsistent with the objectives of the development regulations contained in the Development Code and TOP.

(2) ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.*** The continuing care retirement community is unique in that it provides an array of housing and care options for seniors throughout the project site, including apartments, cottages, assisted living and memory care rooms, and skilled nursing beds. The skilled nursing facility is located toward the front entry of the project site and directly adjacent to the proposed project scope of work area. Therefore, parking was provided in front of this portion of the complex in order to accommodate visitors and nursing staff, whereas parking spaces for residents of the more independent living facilities are provided interior or to the rear of the site. Other multifamily residential properties nearby within the MDR18 zone are primarily condominium or apartment uses with the provision of garages or carports for parking. Further, the majority of the properties in the neighborhood of the project site, along Mountain Avenue, currently enjoy reduced building setbacks in relation to today's Development Code standards (an average of 20 feet rather than the required 30 feet for arterial streets). In addition, the church directly across the street from the project site currently enjoys an approximate five-foot parking setback to the front property line. Lastly, on-street parking along the subject property's street frontage is limited to emergency parking only, which further restricts parking options for this site.

(3) ***The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.*** The requested relief from the minimum front parking setback will allow for greater design flexibility and will serve to equalize development rights between the applicant and owners of property in the same zoning

district, located within the area of the project site. The unique nature of the facility, in that it provides a variety of senior housing types within the complex, creates additional challenges to providing ample parking to serve distinctive needs around the site. Furthermore, the majority of the nearby properties enjoy reduced building setbacks, and the church directly across the street from the project site enjoys a five-foot parking setback at the front property line. Therefore, the strict interpretation and enforcement of the front parking setback would deprive the applicant of privileges enjoyed by owners of other properties within the same zoning district or general vicinity of the subject site.

(4) ***The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*** A thorough review and analysis of the proposed Variance and its potential to adversely impact properties surrounding the subject site was completed by staff. As a result of this review, certain design considerations will be incorporated into the project as conditions of approval to mitigate identified impacts to an acceptable level, including the use of landscape planters at the ends of the parking spaces to promote vehicle and pedestrian safety.

(5) ***The proposed Variance 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 the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.*** The proposed Project is located with the Medium Density land use district of the Policy Plan Land Use Map, and the MDR18 (Medium-Density Residential) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained are consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

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

[1] City Council Goals.

- Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

Land Use Element:

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

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.

Community Design Element:

➤ 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.

➤ CD2-13 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.

➤ 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 evaluated and found to be an existing land use and is not subject to the policies and criteria of the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of

verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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>	Multi-Family Residential	Medium Density (11.1-25 DU/Acre)	MDR18 (Medium-Density Residential: 11.1 – 18.0 DU/Acre)	N/A
<i>North</i>	Multi-Family Residential	Medium Density (11.1-25 DU/Acre)	MDR18 (Medium-Density Residential: 11.1 – 18.0 DU/Acre)	N/A
<i>South</i>	Multi-Family Residential	Medium Density (11.1-25 DU/Acre)	MDR18 (Medium-Density Residential: 11.1 – 18.0 DU/Acre)	N/A
<i>East</i>	Multi-Family Residential, Church	Medium Density (11.1-25 DU/Acre), Low Density (2.1 – 5 DU/Acre)	MDR18 (Medium-Density Residential: 11.1 – 18.0 DU/Acre), LDR5 (Low-Density Residential: 2.1 – 5.0 DU/Acre)	N/A
<i>West</i>	Single-Family Residential	Rural (0-2 DU/Acre)	AR2 (Residential – Agricultural: 0 – 2.0 DU/Acre)	N/A

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	8.74	N/A
<i>Parking setback (in FT):</i>	20 FT	13.5 FT	N

Exhibit A—PROJECT LOCATION MAP (FULL FACILITY)

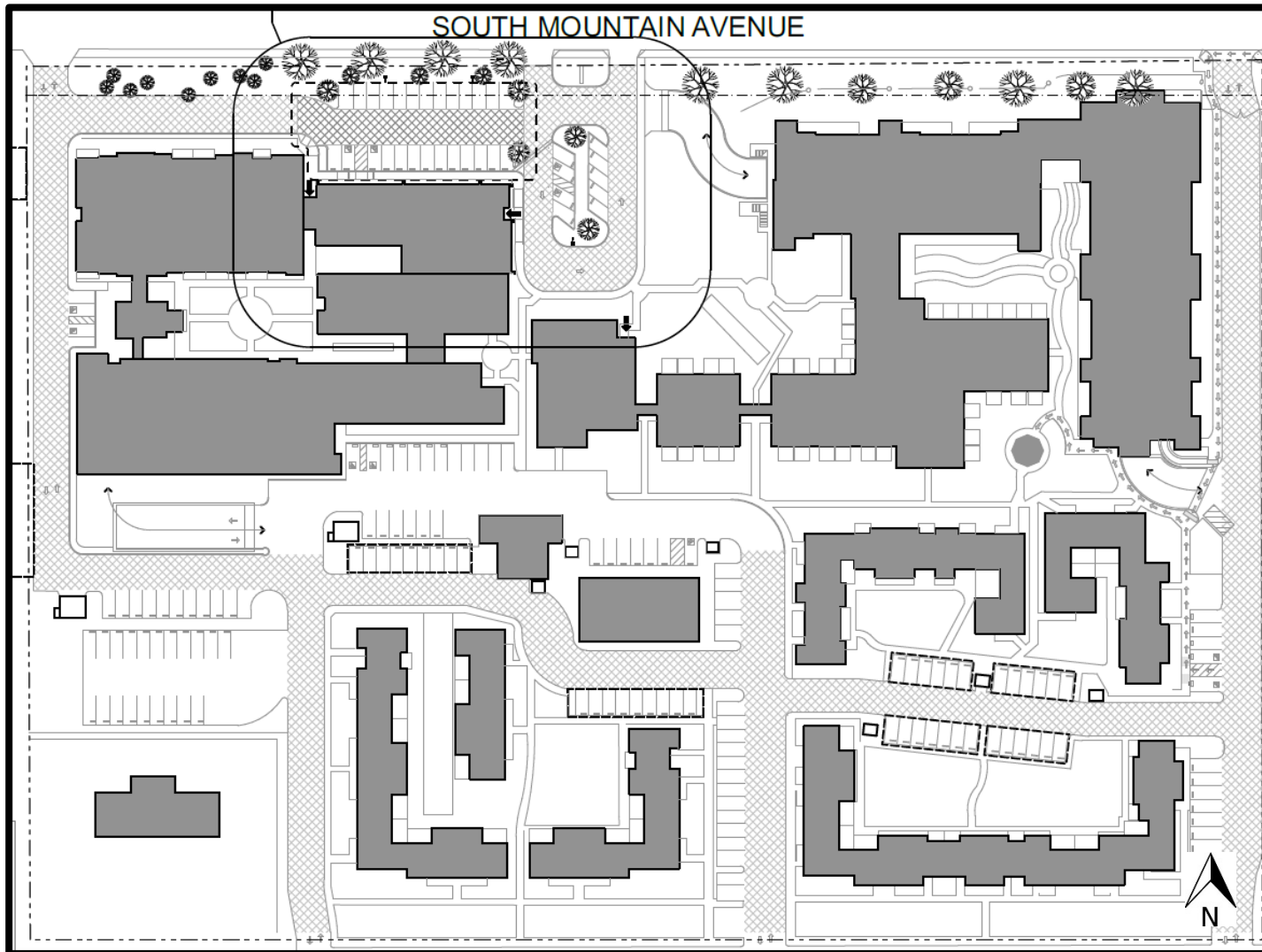


Exhibit B—EXISTING SITE PLAN

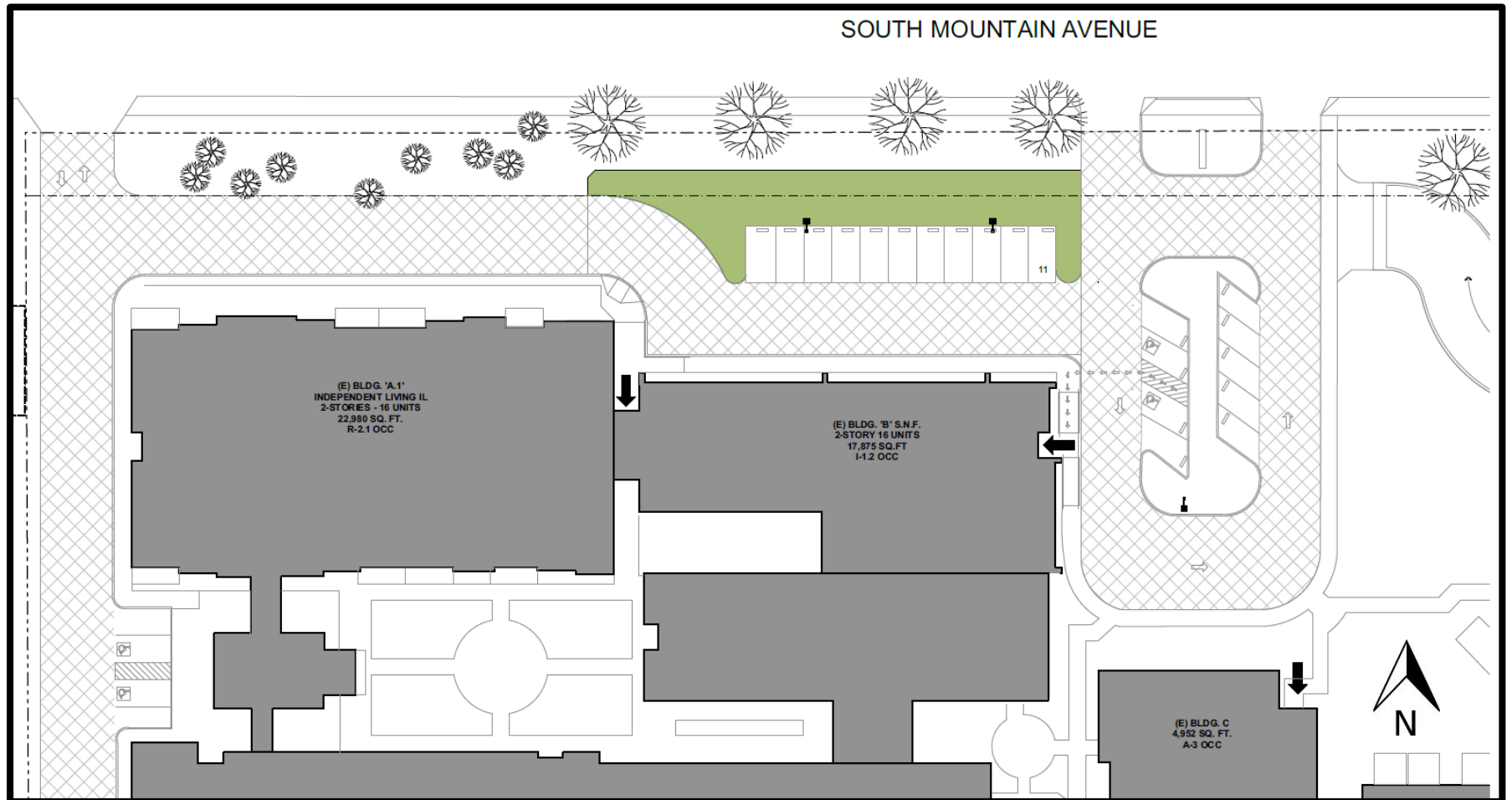


Exhibit C—PROPOSED SITE PLAN

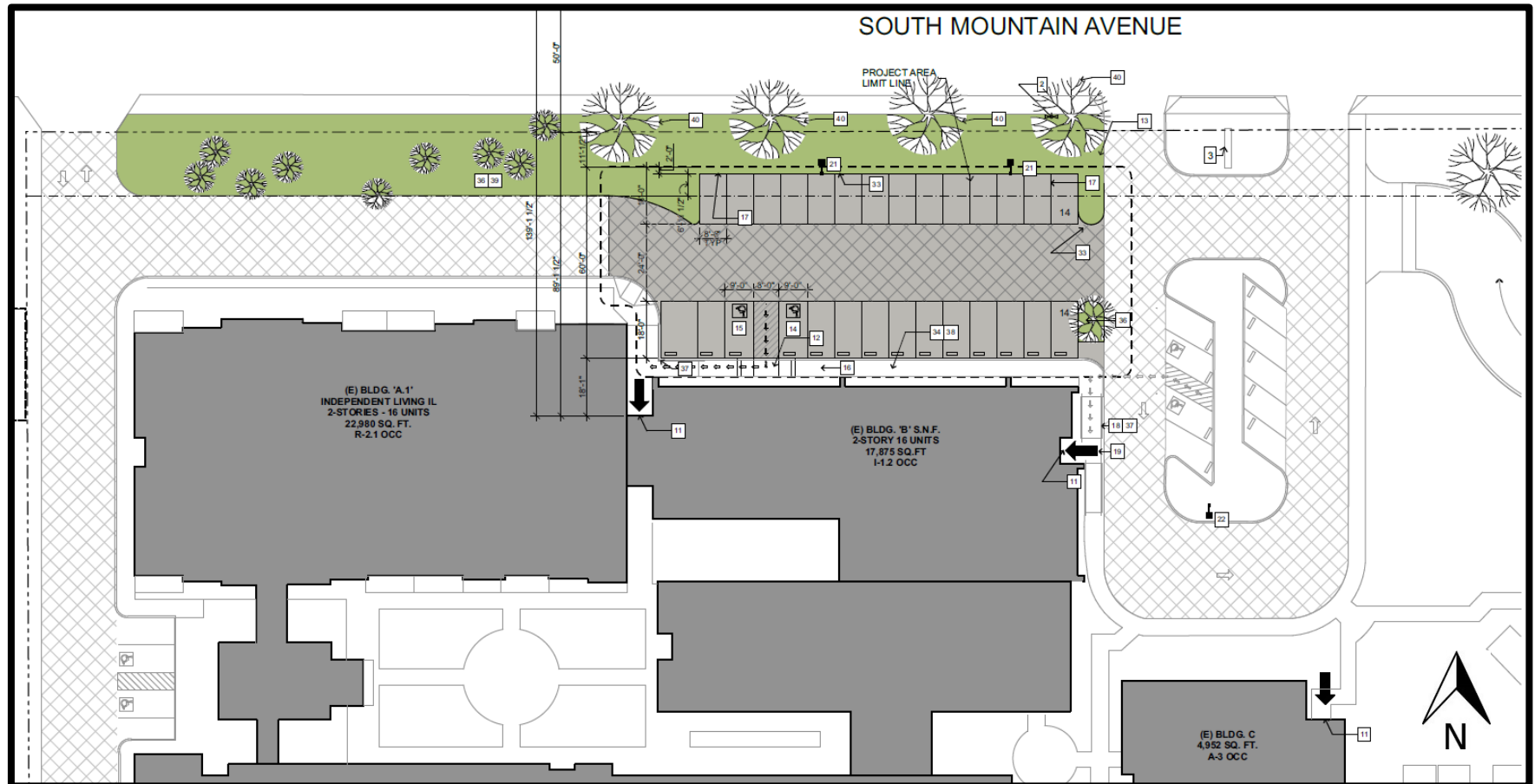
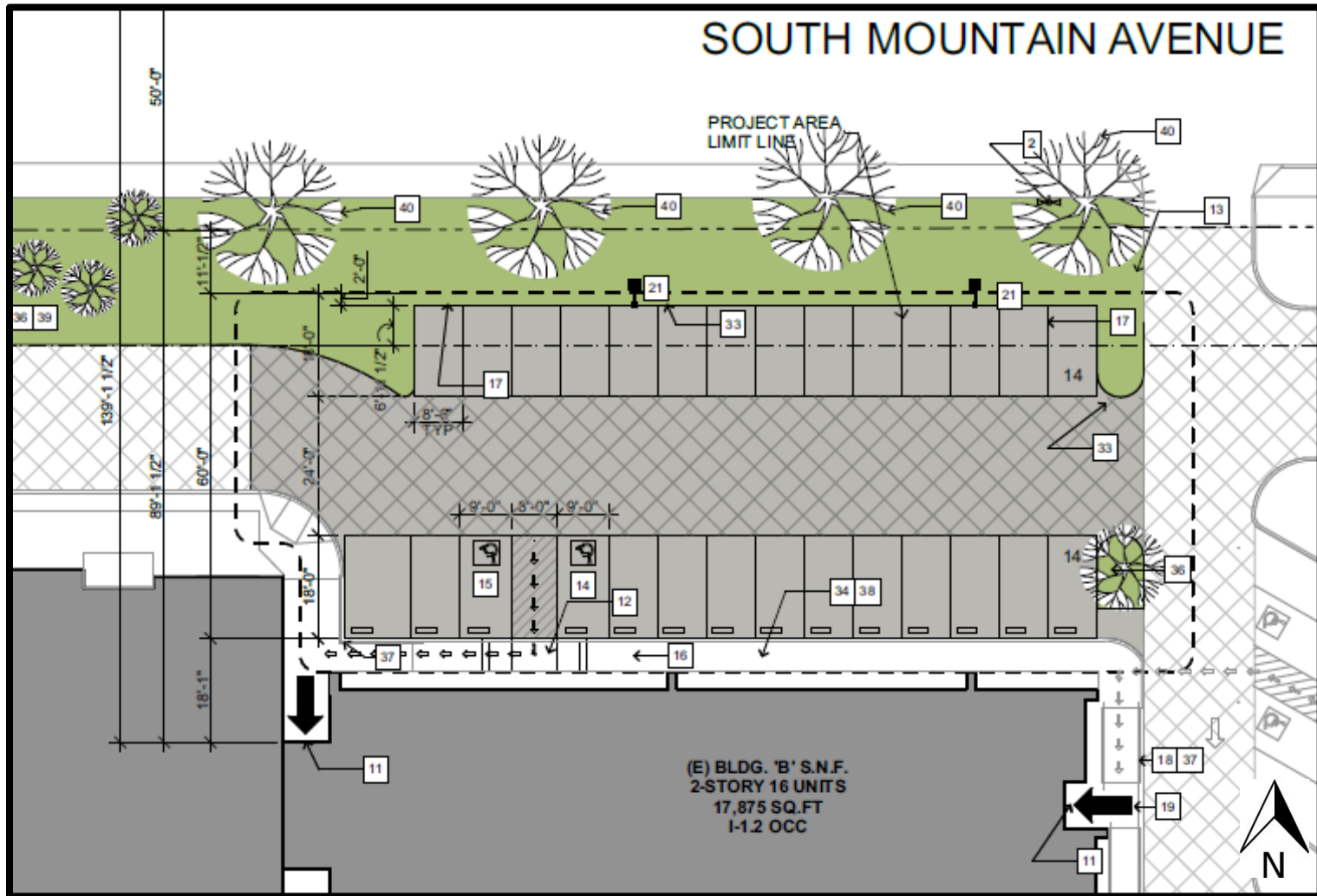


Exhibit D—SCOPE OF WORK DETAIL



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PVAR18-001, A VARIANCE TO DEVIATE FROM THE MINIMUM DEVELOPMENT CODE STANDARDS FOR PARKING SETBACKS ALONG AN ARTERIAL STREET, FROM 20 FEET TO 13 FEET, FOR AN EXISTING SENIOR LIVING FACILITY (INLAND CHRISTIAN HOME, INC.), ON 8.74 ACRES OF LAND LOCATED AT 1950 S. MOUNTAIN AVENUE, WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR-18) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1014-461-12.

WHEREAS, INLAND CHRISTIAN HOME, INC. ("Applicant") has filed an Application for the approval of a Variance, File No. PVAR18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 8.74 acres of land generally located near the southwest corner of Mountain Avenue and Francis Street, at 1950 S. Mountain Avenue within the MDR18 (Medium-Density Residential) zone, and is currently developed with a continuing care retirement community; and

WHEREAS, the properties to the north and south of the project site are zoned MDR18 (Medium-Density Residential), and are currently developed with multi-family residential uses. The properties to the west of the project site are zoned AR2 (Residential-Agricultural), and are currently developed with single-family homes. The properties to the east of the project site are MDR18 and LDR5 (Low-Density Residential), and are developed with multi-family housing and a church, respectively; and

WHEREAS, the Variance proposes to deviate from the minimum parking setback along the front property line, from 20 feet to 13 feet. As the project site was developed in the 1980s and there is limited option to provide additional parking to serve the needs of the complex, the Variance to reduce the above-mentioned setback will permit the facility to provide additional convenience to the facility's visitors and skilled nursing staff, while still meeting overall landscaping and open space standards for the complex, as well as required emergency vehicle access. Requiring the additional setback would impact the project site's ability to meet current Development Code standards in terms of required parking spaces; 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 exempt from 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 June 26, 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 has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15301 (1, Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion; 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: 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 3: 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 strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code.*** The 8.74-acre site is fully developed with a senior living facility, including open space requirements and paths of travel. The current configuration of the buildings and amenities creates constraints to the provision of additional on-site parking spaces. In addition, no parking is allowed on Mountain Avenue. Currently, the site is deficient by six parking spaces per today’s Development Code standards; however, with approval of the requested Variance, the project would provide a surplus of nine parking spaces. The additional parking spaces will provide an added amenity and convenience to both visitors of and skilled nursing staff for the facility. Further, the project site will still

meet the minimum open space requirements per the Development Code, an average landscape setback of 26.6 feet and allow for adequate access for emergency vehicles. In addition, TOP Policy Plan Goal LU3 allows for flexible response to conditions and circumstances in order to achieve the Vision. Strict interpretation and enforcement of the Development Plan's front parking setback would result in practical difficulty inconsistent with the objectives of the development regulations contained in the Development Code and TOP.

(2) ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.*** The continuing care retirement community is unique in that it provides an array of housing and care options for seniors throughout the project site, including apartments, cottages, assisted living and memory care rooms, and skilled nursing beds. The skilled nursing facility is located toward the front entry of the project site and directly adjacent to the proposed project scope of work area. Therefore, parking was provided in front of this portion of the complex in order to accommodate visitors and nursing staff, whereas parking spaces for residents of the more independent living facilities are provided interior or to the rear of the site. Other multifamily residential properties nearby within the MDR18 zone are primarily condominium or apartment uses with the provision of garages or carports for parking. Further, the majority of the properties in the neighborhood of the project site, along Mountain Avenue, currently enjoy reduced building setbacks in relation to today's Development Code standards (an average of 20 feet rather than the required 30 feet for arterial streets). In addition, the church directly across the street from the project site currently enjoys an approximate five-foot parking setback to the front property line. Lastly, on-street parking along the subject property's street frontage is limited to emergency parking only, which further restricts parking options for this site.

(3) ***The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.*** The requested relief from the minimum front parking setback will allow for greater design flexibility and will serve to equalize development rights between the applicant and owners of property in the same zoning district, located within the area of the project site. The unique nature of the facility, in that it provides a variety of senior housing types within the complex, creates additional challenges to providing ample parking to serve distinctive needs around the site. Furthermore, the majority of the nearby properties enjoy reduced building setbacks, and the church directly across the street from the project site enjoys a five-foot parking setback at the front property line. Therefore, the strict interpretation and enforcement of the front parking setback would deprive the applicant of privileges enjoyed by owners of other properties within the same zoning district or general vicinity of the subject site.

(4) ***The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*** A thorough review and analysis of the proposed Variance and its potential to adversely impact properties surrounding the subject site was completed by staff. As a result of this review, certain design considerations will be incorporated into the project as conditions of approval to mitigate identified impacts to an acceptable level, including the use of landscape planters at the ends of the parking spaces to promote vehicle and pedestrian safety.

(5) ***The proposed Variance 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 the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.*** The proposed Project is located with the Medium Density land use district of the Policy Plan Land Use Map, and the MDR18 (Medium-Density Residential) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained are consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

SECTION 4: 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 5: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of June, 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 [insert meeting date], by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PVAR18-001
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: June 26, 2018

File No: PVAR18-001

Project Description: A Variance to deviate from the minimum Development Code standards for parking setbacks along an arterial street, from 20 feet to 13 feet, for an existing senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 S. Mountain Avenue, within the Medium Density Residential (MDR-18) zoning district; (APN: 1014-461-12); **submitted by Inland Christian Home, INC.**

Prepared By: Alexis Vaughn, Assistant Planner
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Variance 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 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 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.

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

2.5 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.

2.6 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

(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.

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

2.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of 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.

2.9 Additional Requirements.

(a) [Insert additional condition]

(b) [Insert additional condition]

(c) [Insert additional condition]



CITY OF ONTARIO MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS Engineering Department/Land Development Section

DATE: March 26th, 2018 (1st Review)

PROJECT: PVAR18-001, a Variance to deviate from the minimum Development Code standard for parking setback, from 20 FT to 13 FT, at an existing in senior living facility (Inland Christian Home, Inc.).

APN: 1014-461-12

LOCATION: 1950 South Mountain Avenue

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant (909) 395-2384

PROJECT PLANNER: Alexis Vaughn, Assistant Planner (909) 395-2416

ENGINEERING DEPARTMENT'S CONDITIONS OF APPROVAL TO BE PROVIDED UPON THE FOLLOWING COMMENTS BEING SATISFACTORILY ADDRESSED PRIOR TO THE DEVELOPMENT ADVISORY BOARD AND/OR ZONING ADMINISTRATOR HEARING.

Please note that comments from the Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division are listed below and will be incorporated into the final conditions of approval as appropriate.

A. General Comments:

1. No comments.

B. The following items will be incorporated in the Conditions of Approval Report prior to the Development Advisory Board and/or Zoning Administrator Hearing:

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

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

DATE: February 23, 2018

SUBJECT: PVAR18-001- A Minor Variance to deviate from the minimum Development Code standard for parking setback, from 20 FT to 13 FT, at an existing in senior living facility (Inland Christian Home, Inc.) on 8.74 acres of land, located at 1950 South Mountain Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DU/Acre) zoning district (APN: 1014-461-12).

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

**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

4/3/18
Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2615

D.A.B. File No.:
PVAR18-001

Case Planner:
Alexis Vaughn

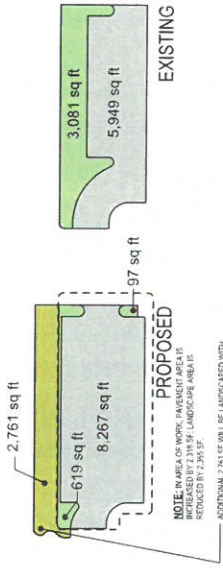
Project Name and Location:
Inland Valley Christian Home Variance
1950 S Mountain Ave

Applicant/Representative:
Douglas Pancake Architects
19000 Macarthur Boulevard
Irvine Ca 92612

<input checked="" type="checkbox"/>	A Preliminary Site Plan (dated 2/22/18) 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.

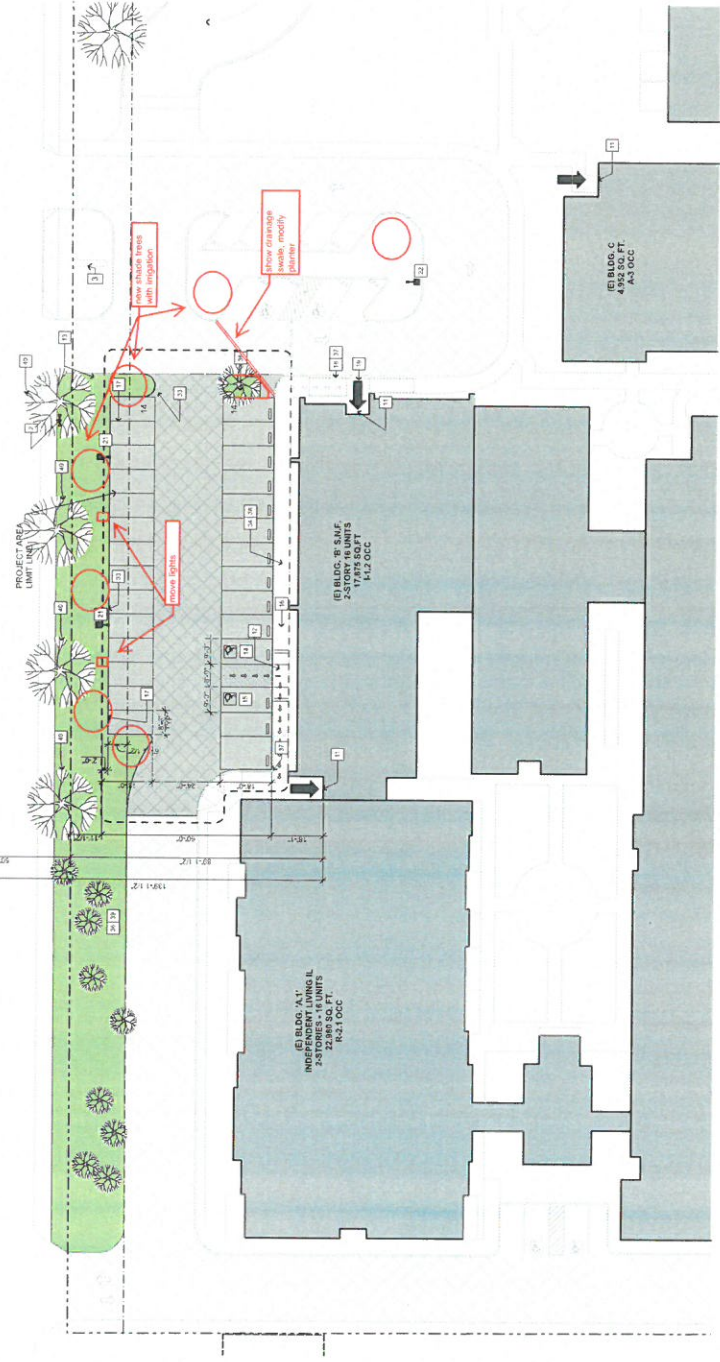
NO CORRECTIONS REQUIRED

1. Show existing landscape and irrigation to remain along east side of building B.
2. Provide an arborist report to inspect and report if the street tree roots will not be damaged by the landscape areas reduction from approximately 36' to 19'.
3. Show 2 shade trees at the parking row island ends and 3 in front of the east parking row; 2 in the parking lot south planter such as Pistache, Podocarpus gracilior, Fern Pine, or Koelreuteria paniculata. Install per city standard detail. Provide stream spray bubbler irrigation from existing system for new trees.
4. Move lights away from proposed trees.
5. Show drainage swale at south ADA spaces and modify landscape planter.



- SITE PLAN LEGEND**
- PROPERTY LINE OR ADJACENT PROPERTY LINE BETWEEN BUILDINGS
 - BOUNDARY LINE
 - FIRE LANE - MAINTAIN 30' CLEARANCE FOR FIRE DEPARTMENT REQUIREMENTS
 - PAVEMENT
 - KEY CONCRETE WALKWAY TO REMAIN
 - ACCESSIBLE ROUTE OF TRAVEL AND EXIT DISCHARGE
 - FIRE HYDRANT
 - CHAIN LINK FENCE
 - KEYNOTE NUMBERS
 - PAVEMENT (PARKING OR DRIVE ALLEY)
 - LANDSCAPE AREA
 - PROPOSED DROUGHT TOLERANT LANDSCAPE AREA
 - PARKING LOT LIGHT FEATURE

SOUTH MOUNTAIN AVENUE



SITE PLAN KEYNOTES

1. LIMIT OF PROJECT AREA - WORK AREA
2. SITE PLAN SHALL MEET ALL ENGINEERING AND HPDES REQUIREMENTS
3. SITE LIFE SAFETY FEATURES
 1. TEMPORARY CONSTRUCTION FENCING TYPED
 2. (E) FIRE HYDRANT
 3. (E) FIRE HYDRANT
 4. (E) FIRE HYDRANT
4. SITE ACCESSIBILITY FEATURES
 1. (E) ACCESSIBLE SIDEWALK ENTRY - EXIT
 2. (E) ACCESSIBLE SIDEWALK
 3. (E) ACCESSIBLE PARKING WARNING SIGN
 4. (E) ACCESSIBLE PARKING SIGN
 5. (E) ACCESSIBLE PARKING SIGN
 6. (E) ACCESSIBLE PARKING SIGN
 7. (E) ACCESSIBLE CONCRETE WALKWAY
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5. SITE ELECTRICAL/FLEETING REQUIREMENTS
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 45. (E) SITE ELECTRICAL/FLEETING REQUIREMENTS
 46. (E) SITE ELECTRICAL/FLEETING REQUIREMENTS

01 Enlarged Site Plan
SCALE: 1" = 20'



PARKING LOT EXPANSION MINOR VARIANCE

Inland Christian Home
1950 South Mountain Avenue
Ontario, CA 91762

Douglas Pancake ARCHITECTS
11000 MACARTHUR BLVD, SUITE 500, IRVINE, CA 92618-1400
T: 949.275.8600 • F: 949.275.2811 • WWW.PANCAKEARCHITECTS.COM

PROPOSED SITE PLAN A1.0

PROJECT NO. 16264-00
PLOT DATE: 2/22/2018



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: Alexis Vaughn, Assistant Planner

DATE: March 01, 2018

SUBJECT: FILE #: PVAR18-001 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 **Thursday, March 15, 2018**.

- 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 Minor Variance to deviate from the minimum Development Code standard for parking setback, from 20 FT to 13 FT, at an existing in senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 South Mountain Avenue, within the MDR18 (Medium Density Residential & 11.1-18.0 DU/Acre) zoning district (APN: 1014-461-12).

- 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

Doug Sorel
Signature

MGM ANALYST
Title

3/7/18
Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Alexis Vaughn
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 9, 2018
SUBJECT: PVAR18-001

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PVAR18-001

Address: 1950 South Mountain Avenue

APN: 1014-461-12

Existing Land Use: Senior Living Facility

Proposed Land Use: Senior Facility - Minor variance request to reduce a parking lot setback

Site Acreage: 8.74 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: Alexis Vaughn

Date: 4/16/18

CD No.: 2018-020

PALU No.:

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input type="radio"/> 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 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 type="radio"/> Zone 4		Allowable Height: _____	
<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 an existing land use and is not subject to the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: 



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
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 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department
 David Simpson, IT Department (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: March 01, 2018

SUBJECT: FILE #: PVAR18-001 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 **Thursday, March 15, 2018**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
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PROJECT DESCRIPTION: A Minor Variance to deviate from the minimum Development Code standard for parking setback, from 20 FT to 13 FT, at an existing in senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 South Mountain Avenue, within the MDR18 (Medium Density Residential & 11.1-18.0 DU/Acre) zoning district (APN: 1014-461-12).

- 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 *Supp* Signature
 Senior Planner Title
 4/16/18 Date



PLANNING COMMISSION STAFF REPORT

June 26, 2018

SUBJECT: A Development Plan to construct a non-stealth wireless telecommunications antenna (monopole) and equipment enclosure within a 656-square foot lease area on approximately 25.8 acres of land generally located on the south side of Airport Drive, west of Wineville Avenue, within the UC (Utilities Corridor) zoning district (APN: 0238-241-10); **submitted by Verizon Wireless.**

PROPERTY OWNER: Southern California Edison

RECOMMENDED ACTION: That the Planning Commission approve File No. PDEV15-034 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 an SCE-owned utility corridor comprised of 25.8 acres of land located on the south side of Airport Drive, west of Wineville Avenue, within the UC (Utilities Corridor) zoning district, and is depicted in Figure 1: Project Location, below. The surrounding area is characterized by continuation of the SCE-owned utility corridor to the north and south, and industrially-zoned property to the east and west, with a mix of manufacturing and warehouse/distribution uses.

PROJECT ANALYSIS:

[1] Background — The Applicant is requesting approval of a Development Plan to construct a 55-foot tall non-stealth wireless telecommunication antenna (monopole) and equipment enclosures within a 656 square foot lease area enclosed by an 8-foot high decorative perimeter block wall (see Exhibit B – Site Plan and Exhibit C-1 – Enlarged Site Plan, attached).

On June 18, 2018, the Development Advisory Board reviewed the subject application, and

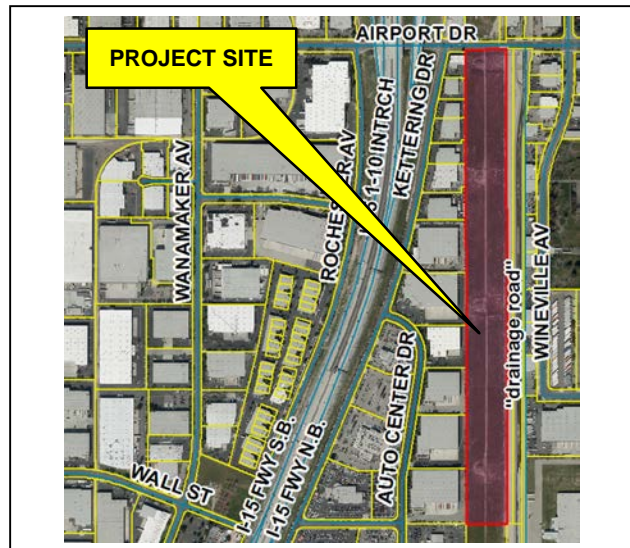


Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	06/18/2018	Approved	Recommend
Submittal Date:	10/13/2015	PC	06/26/2018		Final
Hearing Deadline:		CC			

recommended that the Planning Commission approve the proposed project, subject to conditions.

[2] Site Design/Building Layout — The proposed telecommunications facility will be located along the westerly side of the SCE Utility Corridor, approximately 2,100 south of Airport Drive. The maximum height allowed in the zone for a single-carrier telecommunication facility is 55-feet, and 65-feet for collocated facilities. Therefore, the height of the proposed wireless telecommunications antenna array, at 55 feet, is in compliance with the Development Code's maximum height restrictions for single-carrier facilities (see Exhibits D-1 – Elevations and D-2 – Elevations, attached).

The proposed Verizon wireless telecommunications facility will enhance their wireless telephone coverage east of Interstate 15, which is currently deficient (see Exhibit E – Propagation Map, Predicted Coverage).

[3] Site Access/Circulation/Parking — The proposed telecommunications facility will be accessed from Airport Drive via an existing dirt access road currently used by SCE for transmission tower access. A parking area for telecommunications facility maintenance will be provided immediately east of the equipment enclosure. A metal gate will be integrated into the enclosure's perimeter wall design, to allow access into the facility from the parking area. The new facility will not create a significant new source of vehicle or truck traffic. In accordance with the Development Code, the project will provide one parking space on site, which will be used one to two times per month, when maintenance engineers visit the site.

[4] Architecture/Landscaping — The proposed project is consistent with the design guidelines established by the City's Development Code, and will blend into the existing backdrop of SCE transmission towers and surrounding industrial development. Furthermore, although the project will be located over 2,000 feet south of Airport Drive, proposed scrub oak trees will be planted along the project's Airport Drive street frontage, functioning as a buffer to assist in screening of the telecommunications facility from view of the street (see Exhibit C-2 – Enlarged Site Plan).

[5] Signage — Pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
 - CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
 - CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Community Design Element:

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
 - CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
 - CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

➤ 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.

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

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

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

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

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>	Electric Utilities/ SCE Easement	OS-NR (Open Space/Non-Residential)	UC (Utilities Corridor)	N/A
<i>North:</i>	Electric Utilities/ SCE Easement	OS-NR (Open Space/Non-Residential)	UC (Utilities Corridor)	N/A
<i>South:</i>	Electric Utilities/ SCE Easement	BP (Business Park)	California Commerce Center Specific Plan	SCE Easement
<i>East:</i>	Warehouse (World Pack USA, LLC)	IND (Industrial)	IH (Heavy Industrial)	N/A
<i>West:</i>	Manufacturing (CH Biotech LLC)	IND (Industrial)	Pacific Gate/East Gate Specific Plan	N/A

Exhibit A — PROJECT LOCATION MAP

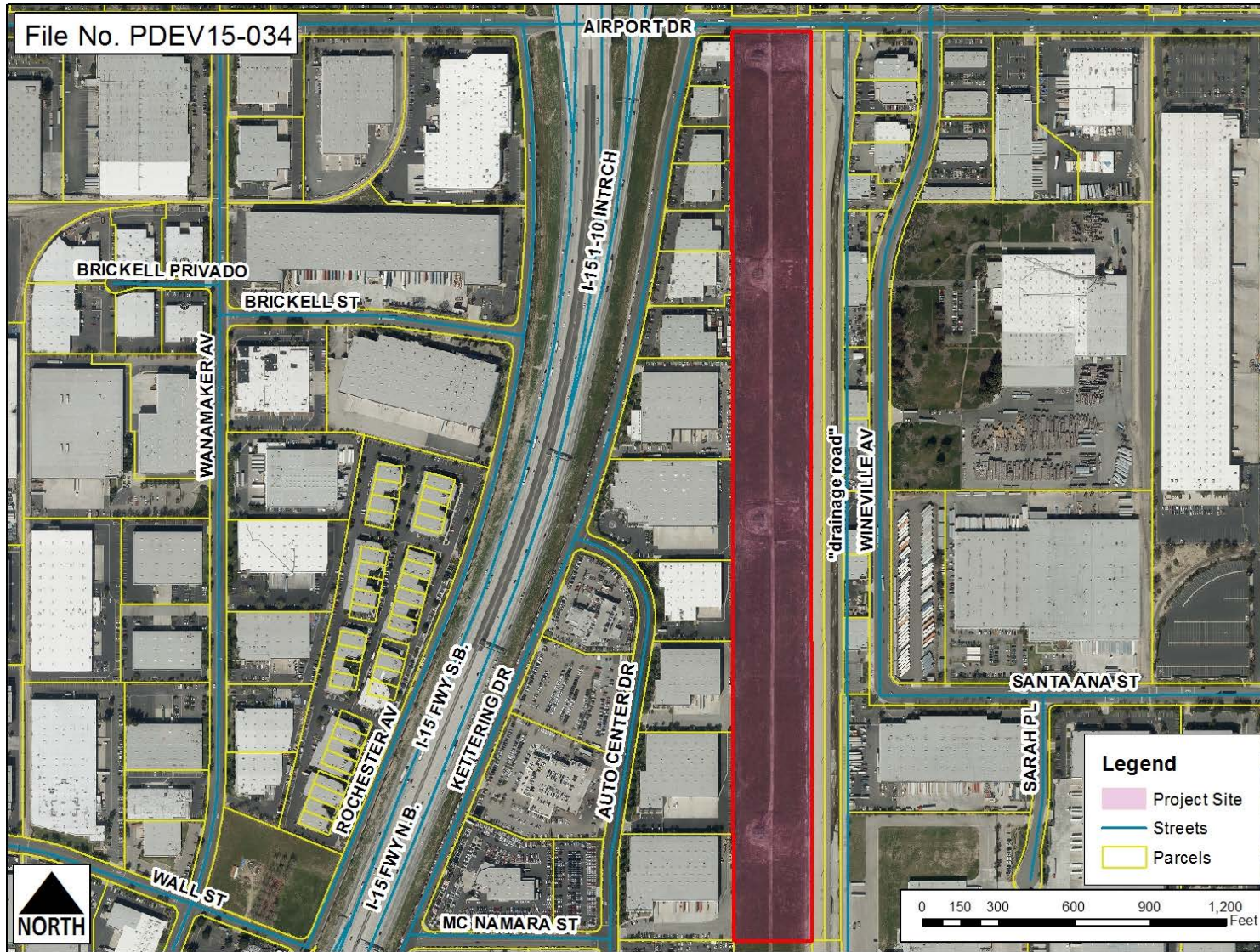


Exhibit B — PROJECT SITE PLAN

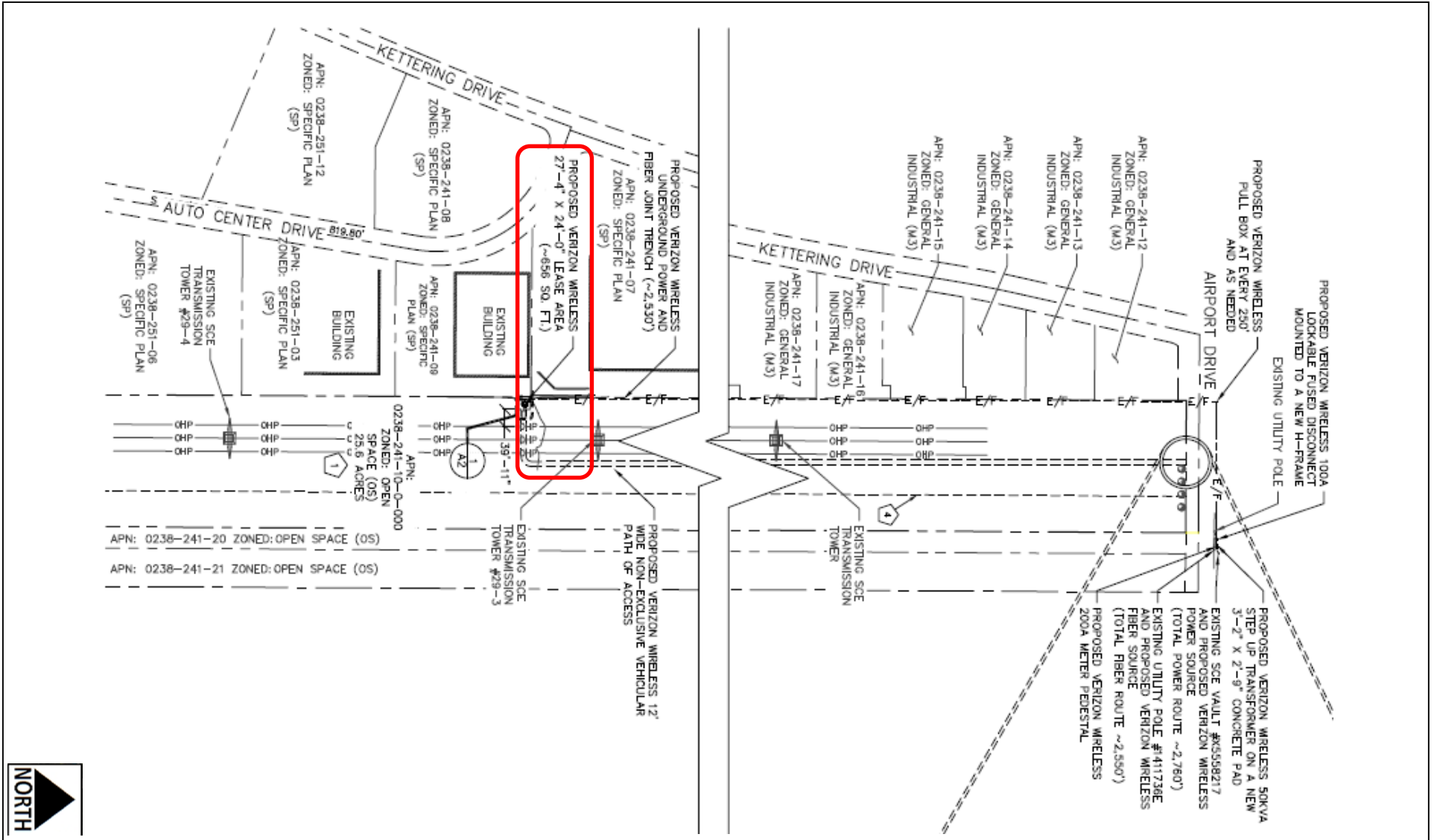


Exhibit C-1 — ENLARGED SITE PLAN

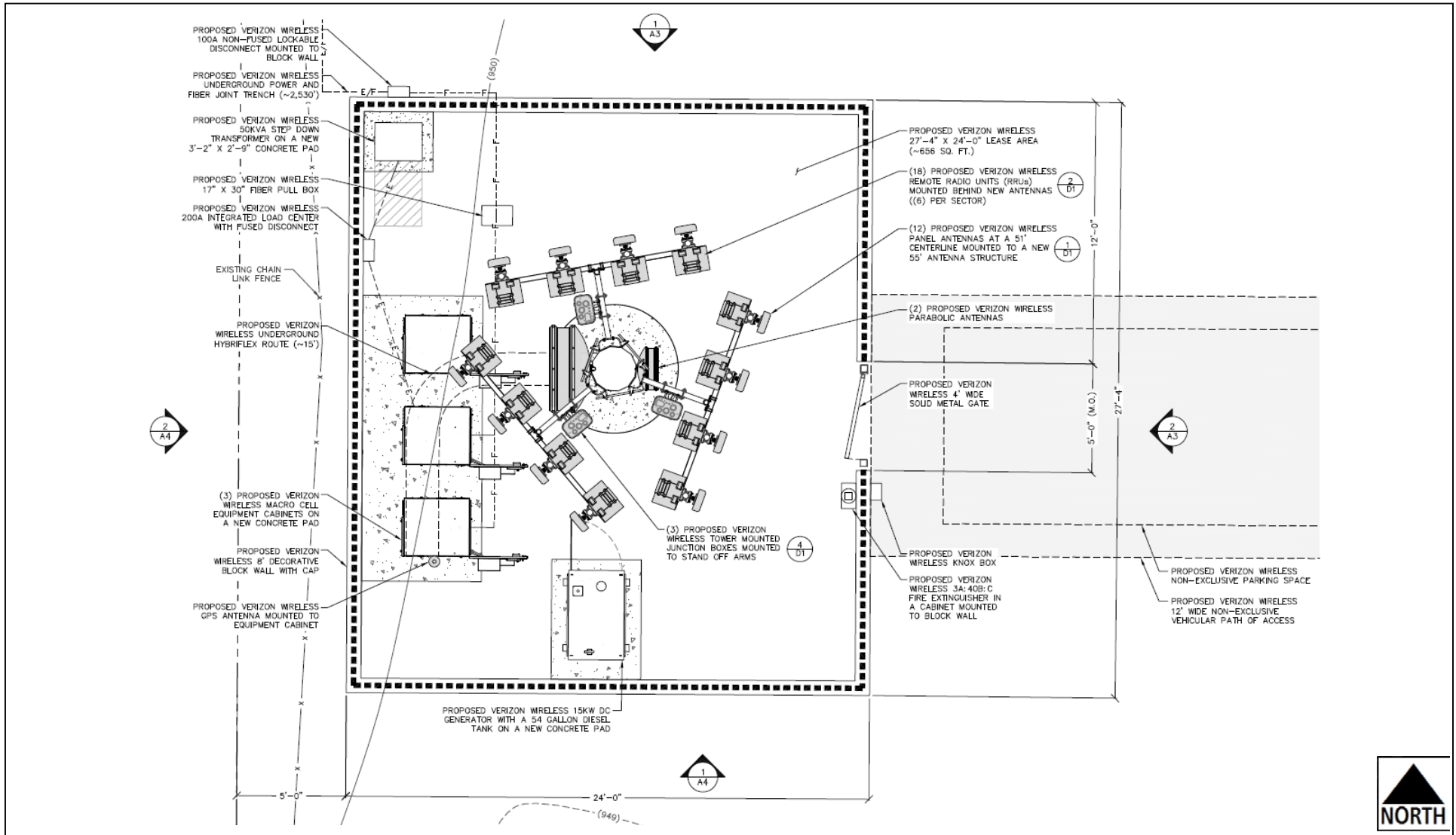


Exhibit C-1 — ENLARGED SITE PLAN

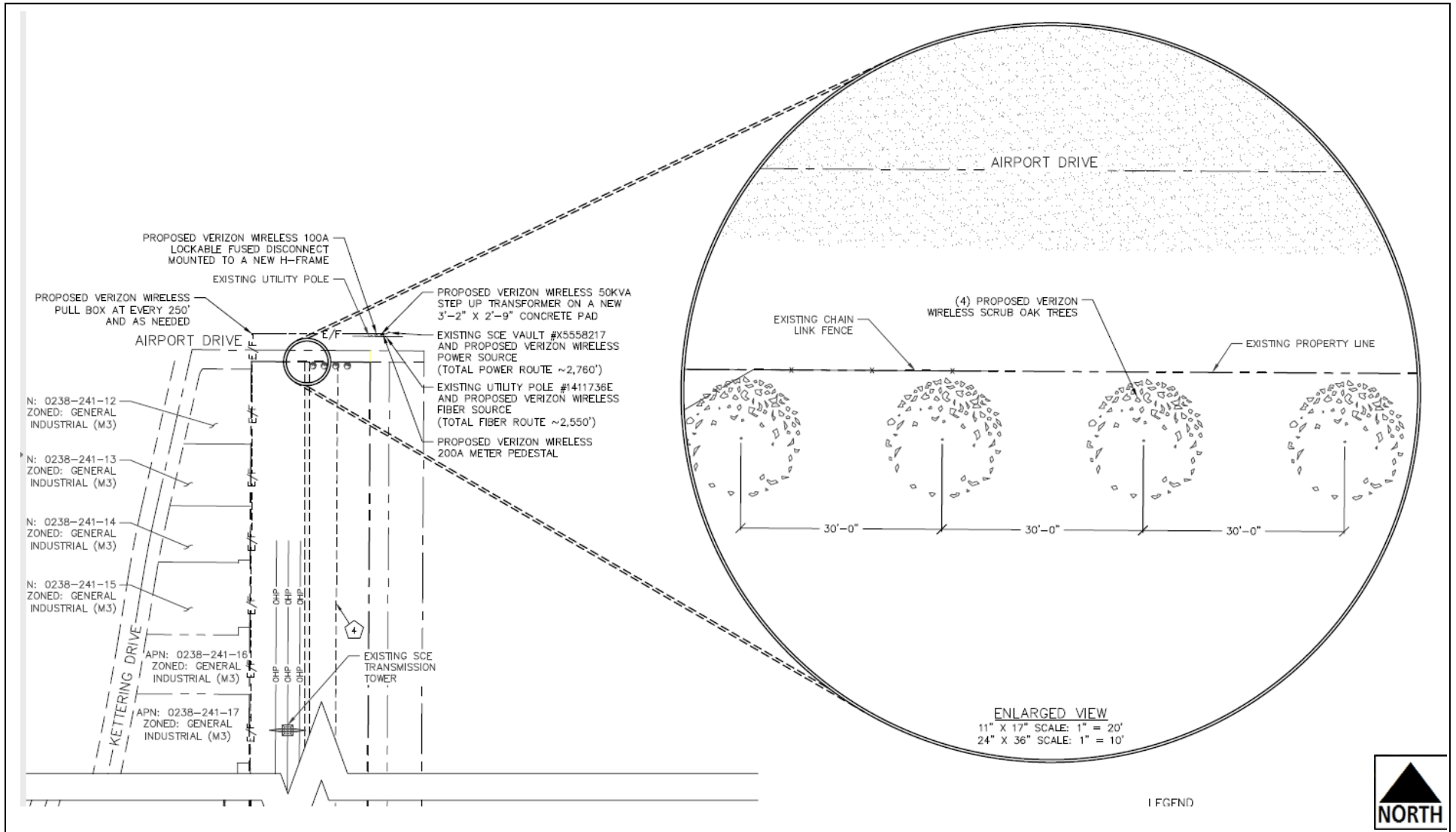


Exhibit D-1 — ELEVATIONS

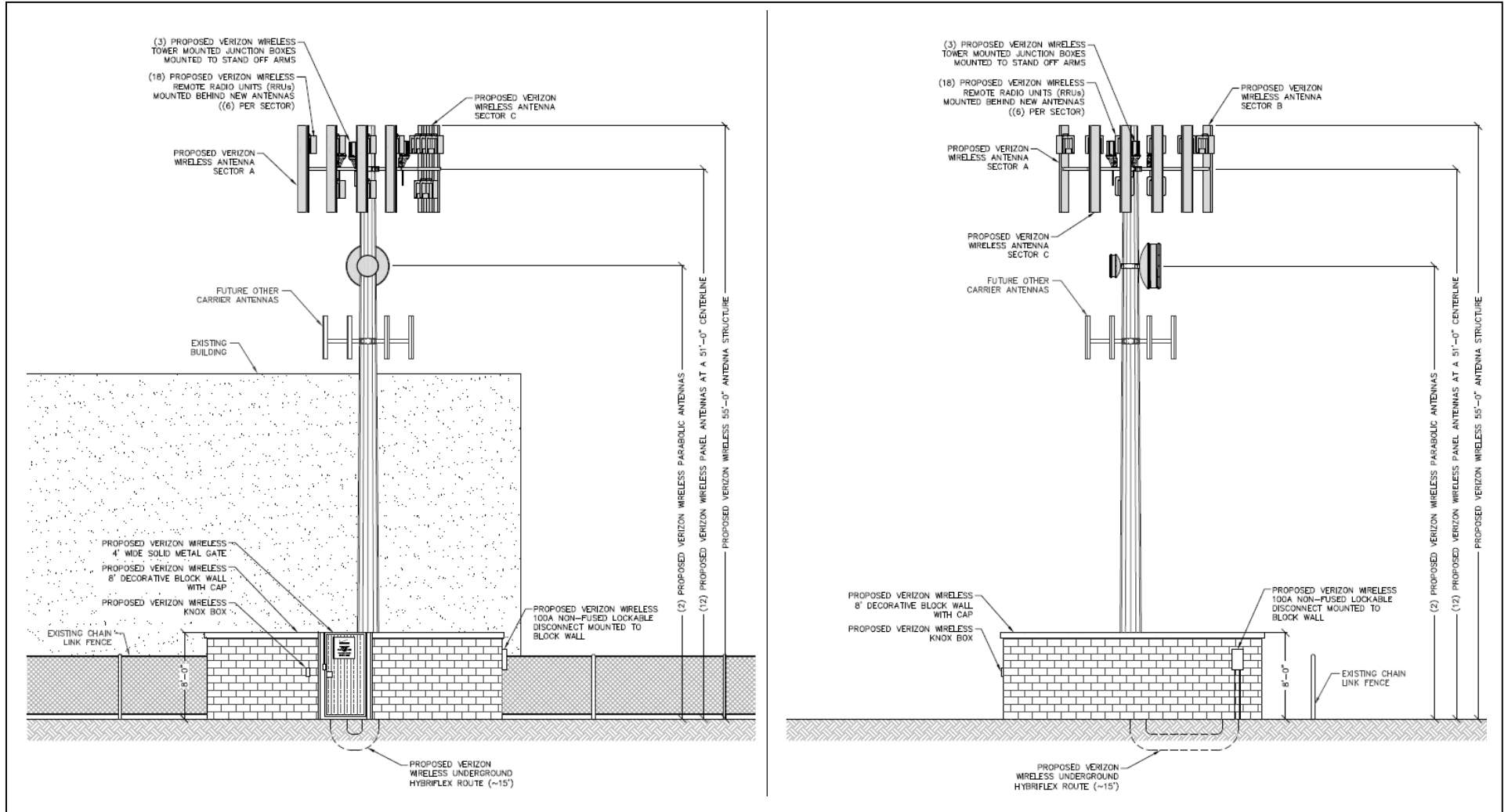


Exhibit D-2 — ELEVATIONS

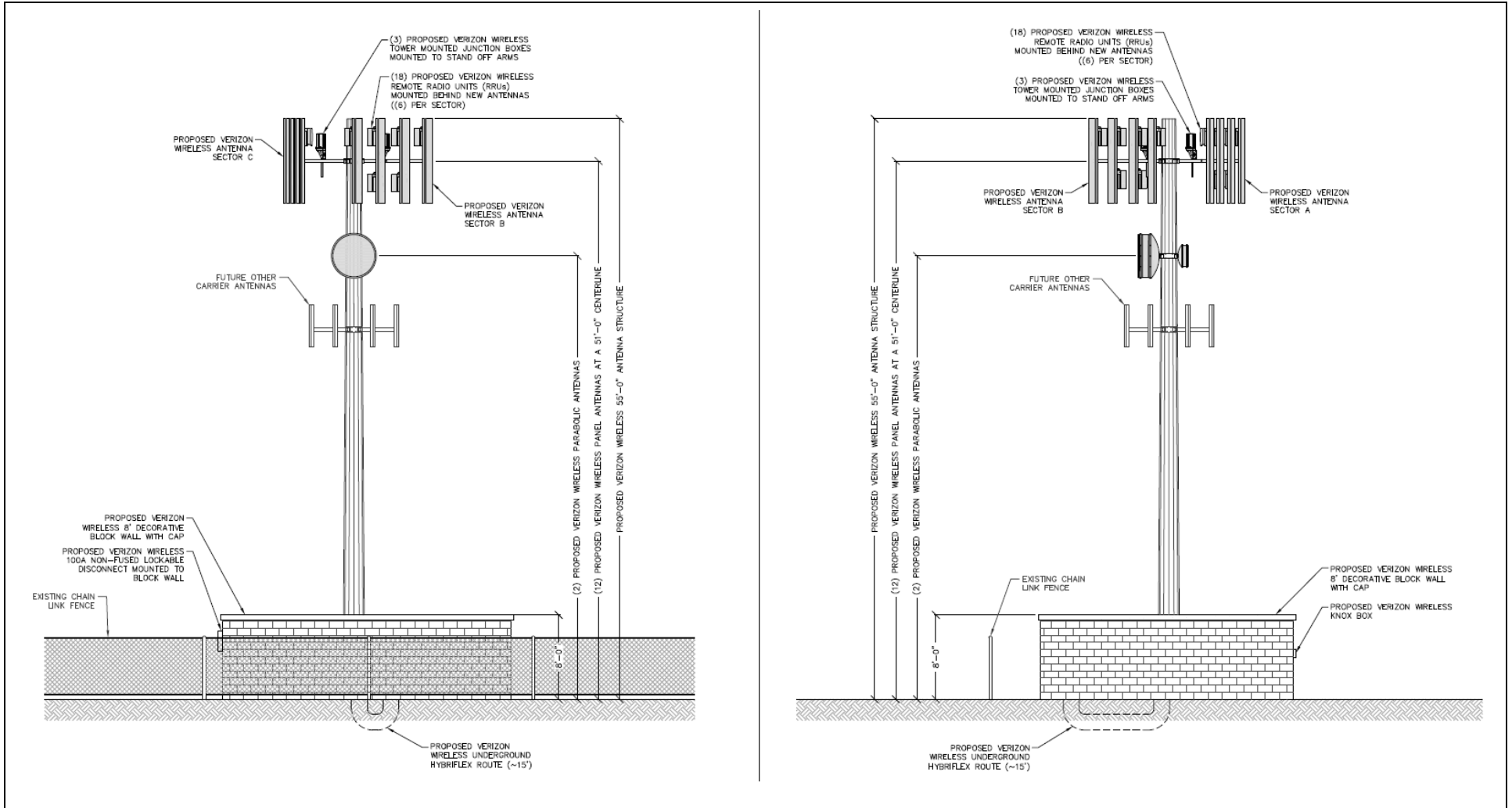
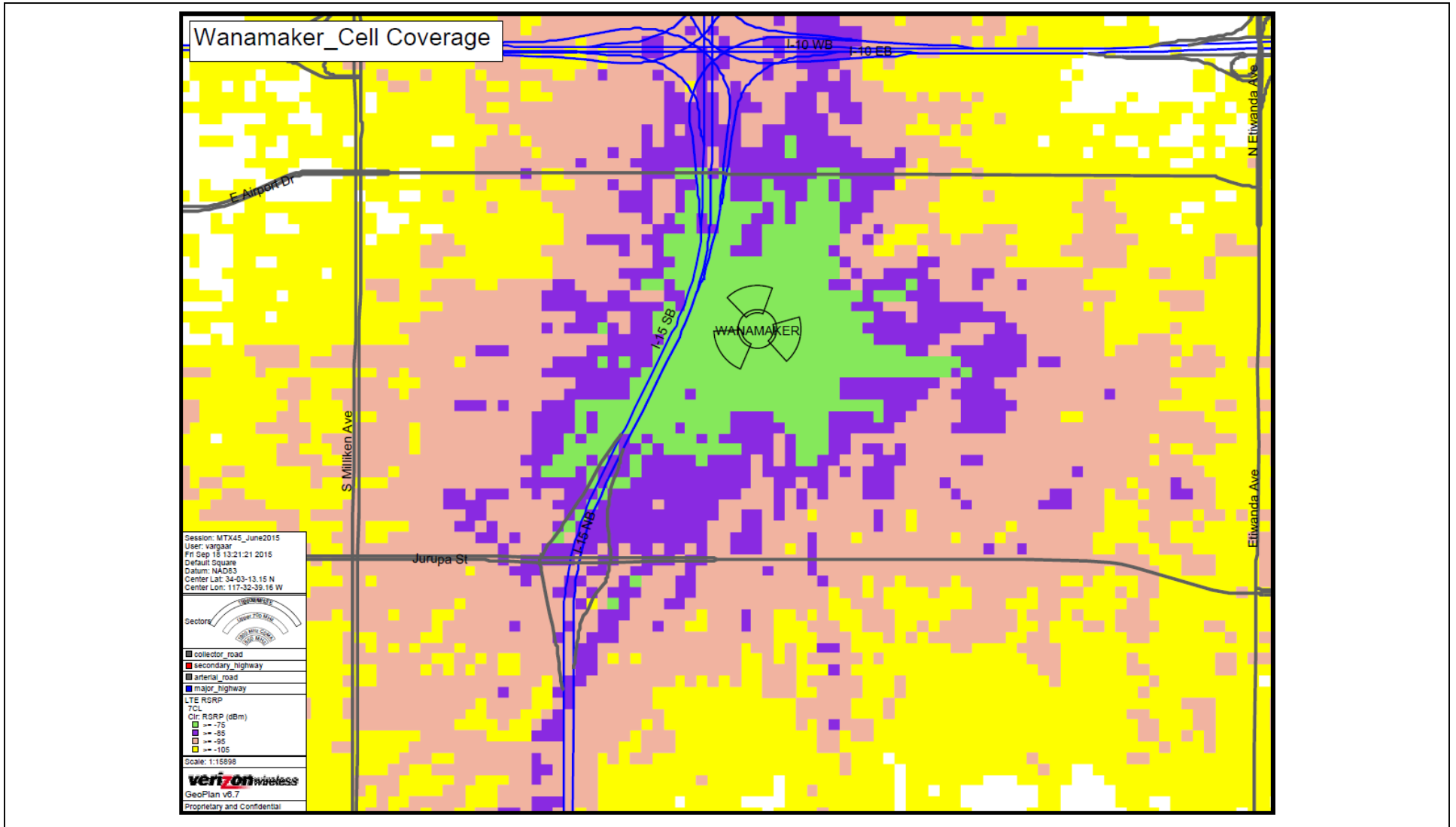


Exhibit E — PROPAGATION MAP, PREDICTED COVERAGE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV15-034, A DEVELOPMENT PLAN TO CONSTRUCT A NON-STEALTH WIRELESS TELECOMMUNICATIONS ANTENNA (MONOPOLE) AND EQUIPMENT ENCLOSURE WITHIN A 656-SQUARE FOOT LEASE AREA ON APPROXIMATELY 25.8 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF AIRPORT DRIVE, WEST OF WINEVILLE AVENUE, WITHIN THE UC (UTILITIES CORRIDOR) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0238-241-10.

WHEREAS, VERIZON WIRELESS ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV15-034, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 25.8 acres of land located on the south side of Airport Drive, west of Wineville Avenue, within the UC (Utilities Corridor) zoning district, and is presently improved with SCE transmission facilities; and

WHEREAS, the property to the north of the Project site is within the UC (Utilities Corridor) zoning district, and is improved with SCE transmission facilities. The property to the east is within the IH (Heavy Industrial) zoning district, and is improved with an industrial warehouse (World Pack USA, LLC). The property to the south is within the Business Park land use designation of the California Commerce Center Specific Plan, and is improved with SCE transmission facilities. The property to the west is within the Industrial land use designation of the Pacific Gate/East Gate Specific Plan, and is developed with a manufacturing facility (CH Biotech LLC); and

WHEREAS, the Applicant is requesting approval of a Development Plan to construct a 55-foot tall non-stealth wireless telecommunication antenna (monopole) and equipment enclosures within a 656 square foot lease area enclosed by an 8-foot high decorative perimeter block wall; and

WHEREAS, on June 18, 2018, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project, subject to conditions of approval; and

WHEREAS, the proposed telecommunications facility will be located along the westerly side of the SCE Utility Corridor, approximately 2,100 south of Airport Drive. The maximum height allowed in the zone for a single-carrier telecommunication facility is 55-feet, and 65-feet for collocated facilities. Therefore, the height of the proposed wireless telecommunications antenna array, at 55 feet, is in compliance with the Development Code's maximum height restrictions for single-carrier facilities; and

WHEREAS, the proposed Verizon wireless telecommunications facility will enhance their wireless telephone coverage east of Interstate 15, which is currently deficient; and

WHEREAS, the proposed telecommunications facility will be accessed from Airport Drive via an existing dirt access road currently used by SCE for transmission tower access. A parking area for telecommunications facility maintenance will be provided immediately east of the equipment enclosure. A metal gate will be integrated into the enclosure's perimeter wall design, to allow access into the facility from the parking area. The new facility will not create a significant new source of vehicle or truck traffic. In accordance with the Development Code, the project will provide one parking space on site, which will be used one to two times per month, when maintenance engineers visit the site; and

WHEREAS, the proposed project is consistent with the design guidelines established by the City's Development Code, and will blend into the existing backdrop of SCE transmission towers and surrounding industrial development. Furthermore, proposed scrub oak trees will be planted along the project's Airport Drive street frontage, functioning as a buffer to assist in screening of the telecommunications facility from view of the street; 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 June 18, 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. DAB18-033, recommending the Planning Commission approve the Application; and

WHEREAS, on June 26, 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 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

(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 OS-NR (Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the UC (Utilities Corridor) 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; 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 UC (Utilities Corridor) zoning district, including standards relative to the particular land use proposed (non-stealth wireless telecommunications facility), 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; 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, and City Council Priorities and Policy Plan components of The Ontario Plan; 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 particular land use being proposed (non-stealth wireless telecommunications facility). 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 Development Code.

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of June 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 June 26, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV15-034
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: June 18, 2018

File No: PDEV15-034

Related Files: N/A

Project Description: A Development Plan to construct a non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on approximately 25.8 acres of land generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the UC (Utilities Corridor) zoning district (APN: 0238-241-10); **submitted by Verizon Wireless.**

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.

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).

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

2.10 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).

2.11 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 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

(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.

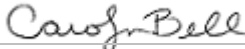
2.12 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of 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.

2.13 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.

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

CONDITIONS OF APPROVAL	
Sign Off	
	6/7/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PDEV 15-034 Rev 2	Case Planner: Jeanie Aguilo
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Project Name and Location: Verizon SCE easement, Kettering and Airport Dr

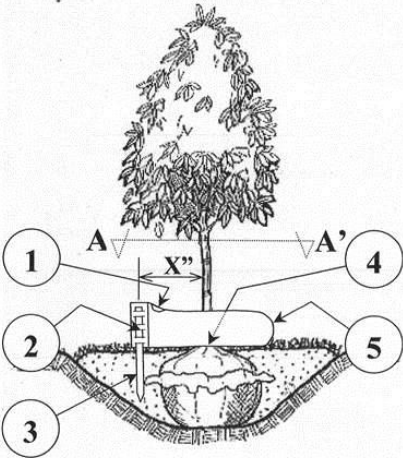
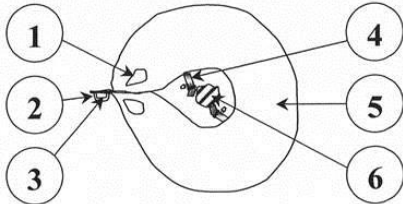
Applicant/Representative: Spectrum Services inc. Brett Smith 4405 E Airport Dr ste 100 Ontario, Ca 91761

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 4/10/18) 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.

1. Dri-water product is no longer manufactured. Please change Irrigation legend, details and notes to items #2-5 below. Add Ooze tube tree irrigator detail, below on page 2 and tree planting detail attached, in place of driwater detail 2, L2
2. Contractor to Install 1- 25 gallon Ooze tube tree irrigator per tree. 800-951-8123 <http://engineeredwatering.com/vcom/> and water tree during planting.

Install only 1 emitter (4 emitters provided in kit) near the base of the tree highest elevation so its drips toward the root ball. The area for the ooze tube bags must no more than 2% slope.
3. The contractor shall re-fill tubes 1x every 2 weeks for 2 months, then 1x a month per month for 4 months. Contract must include the months of July, August, and September.
4. Contractor shall check emitter each refill and add a second emitter if the first one becomes plugged.
5. At the end of the 9 months call this department for inspection and remove the Ooze tubes.

SECTION AA'



DETAIL NOTES:

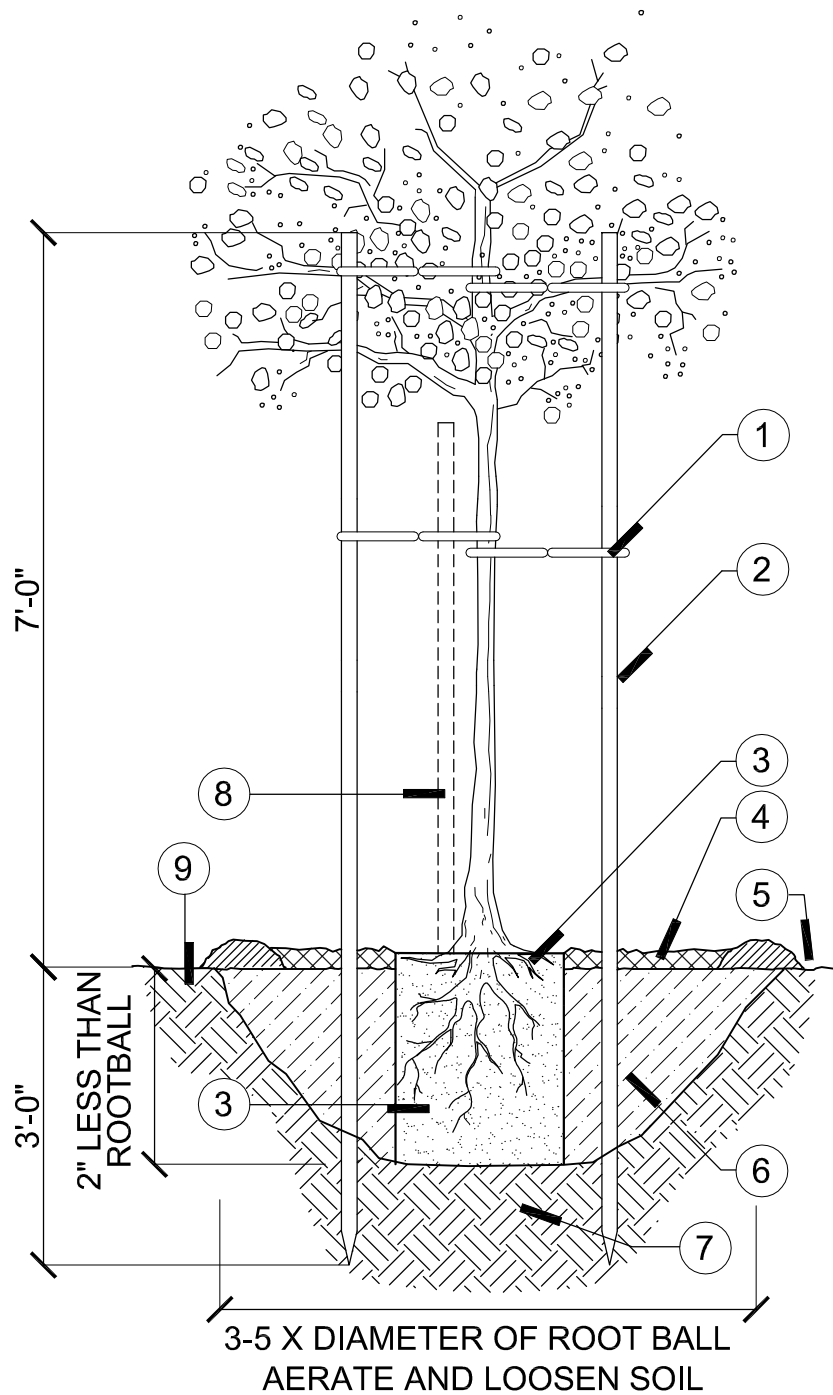
1. FILL / VENT HOLES (TYP. BOTH ENDS)
2. STAKE HOLDING SLOTS (TYP. BOTH ENDS)
3. 30" LG. SURVEYOR STAKE (SUPPLIED WITH OOZE TUBE). **NOTE: INSTALL AT THE HIGHEST POINT OF ELEVATION.**
4. DRIP EMITTER PLACEMENT (SEE TOP VIEW - SECTION "AA")
INSTALL AT OR NEAR BOTTOM OF BAG WITH DISCHARGE PARALLEL TO GROUND.
5. OOZE TUBE - 25, 35, OR 45 GALLON CAPACITY (CIRCLE ONE).
6. TREE CROSS SECTION
7. X" = 18" 25 GALLON, 21" 35 GALLON, 24" 45 GALLON

NUMBER OF EMITTERS PER TREE: _____ (TYPICAL = 2)

OOZE TUBE INSTALLATION DETAIL

NOT TO SCALE

NOTE: TO LOCATE AN OOZE TUBE DISTRIBUTOR, CONTACT
 PQ PARTNERS, LLC @ (770)924-4191



- ① FLEXIBLE TREE TIES (MIN. 4 REQUIRED) SECURE TO POLE W/ GALVANIZED NAIL. PLACE TOP TIE IN CANOPY PROTECT BRANCHES FROM DAMAGE.
- ② 2" DIA. X 10' MIN. TREATED LODGEPOLE PINE STAKE (3" DIA. OR 3 GALVANIZED STAKES FOR 36" BOX TREES OR GREATER)
- ③ ROOTBALL - 2" ABOVE FINISHED GRADE, TOP ROOT FLARE SHALL BE VISIBLE
- ④ 2" OF SHREDDED BARK MULCH, 4' DIA. KEEP MULCH 12" CLEAR OF TRUNK. NO LAWN OR SHRUBS IN 4' DIA. ZONE
- ⑤ TEMPORARY 3" WATERING BASIN
- ⑥ BACKFILL MIX: 100% NATIVE SOIL UNLESS THE AGRONOMICAL SOIL REPORT DIRECTS AMENDMENTS
- ⑦ UNDISTURBED NATIVE SOIL, FOOT TAMP ANY OVER EXCAVATION.
- ⑧ REMOVE NURSERY STAKE IMMEDIATELY AFTER PLANTING
- ⑨ FINISH GRADE

NOTES:

- 1. STAKES SHALL NOT PIERCE ROOTBALL & SHALL EXTEND INTO UNDISTURBED SOIL.
- 2. PLACE FLEXIBLE TREE TIES ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
- 3. ALL EXCESS SOIL SHALL BE REMOVED FROM THE TOP OF THE ROOT BALL EXPOSING THE ROOT FLARE
- 4. ROOT PRUNE 1/2" OFF ALL SIDES OF ROOT BALL WITH A SHARP KNIFE.

TREE PLANTING

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV15-034
 Address: SCR Easement South Airport Drive
 APN: 0238-241-10
 Existing Land Use: SCE Edison Easement/Transmission Towers/Power Lines
 Proposed Land Use: 55 ft Non-stealth Wireless Facility - 204SF Lease area
 Site Acreage: 25.8 acres Proposed Structure Height: 55 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Jeanie Aguilo
 Date: 1/7/16
 CD No.: 2015-053
 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 checked="" type="checkbox"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input 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="checkbox"/> 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 type="radio"/> Zone 4		Allowable Height: 140'	
<input type="radio"/> Zone 5			

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

Zone A
 Zone B1
 Zone C
 Zone D
 Zone E

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 provided the following condition is met:

- The project applicant is required to file a FAA Form 7460-1 due to potential electronic interference to aircraft in flight and receive a determination of "No Hazard" from FAA prior to building permit issuance.

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

TO: Otto Kroutil, Development Director
 Scott Murphy, Planning Director
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Raymond Lee, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
 Julie Bjork, Housing Manager
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director

70-75 dB
140'

FROM: Jeanie Aguilo,

DATE: October 15, 2015

SUBJECT: FILE #: PDEV15-034

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 **Thursday, October 29, 2015**.

- 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 non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on approximately 25.8 acres of land generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the OS (Open Space) zoning district (APN: 0238-241-10). - 55'

- 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.

Planning
Department

Lorena Mejia
Signature

Associate Planner
Title

1/7/16
Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: October 19, 2015
SUBJECT: PDEV15-034

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

cc: File

KS:kb



CITY OF ONTARIO

MEMORANDUM

TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director

FROM: Jeanie Aguilo,

DATE: October 15, 2015

SUBJECT: FILE #: PDEV15-034

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 **Thursday, October 29, 2015**.

- 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 non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on approximately 25.8 acres of land generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the OS (Open Space) zoning district (APN: 0238-241-10).

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
Item C - 31 of 32



CITY OF ONTARIO

MEMORANDUM

TO: Otto Kroutil, Development Director
 Scott Murphy, Planning Director
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Raymond Lee, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
 Julie Bjork, Housing Manager
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director

FROM: Jeanie Aguilo,

DATE: October 15, 2015

SUBJECT: FILE #: PDEV15-034

Finance Acct#:

City of Ontario
Housing Department

OCT 15 2015

Received by _____

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 **Thursday, October 29, 2015**.

- 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 non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on approximately 25.8 acres of land generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the OS (Open Space) zoning district (APN: 0238-241-10).

- 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.

Housing & Municipal Services
Department

Signature

Housing & Municipal Services Dir.
Title

Date



PLANNING COMMISSION STAFF REPORT

June 26, 2018

SUBJECT: A Development Plan (File No. PDEV17-021) to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. (APN: 0218-151-45); **submitted by T-Mobile.**

PROPERTY OWNER: Southern California Edison (SCE) Company

RECOMMENDED ACTION: That the Planning Commission approve File No. PDEV17-021, 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 approximately 12 acres of land located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district, and is depicted in Figure 1: Project Location, below. To the north of the project site the property is within the Creekside Specific Plan and zoned Non-Recreational Open Space and developed with the SCR utility corridor. To the south the property is zoned OS-NR (Open Space/Non-Residential) and it is owned by SCE for the operation of SCE transmission towers. To the east of the properties are located within Planning Area 1A (Single Family Residential) and developed with a plant nursery. The properties to the east are located within the Archibald Ranch community and developed with single family homes.

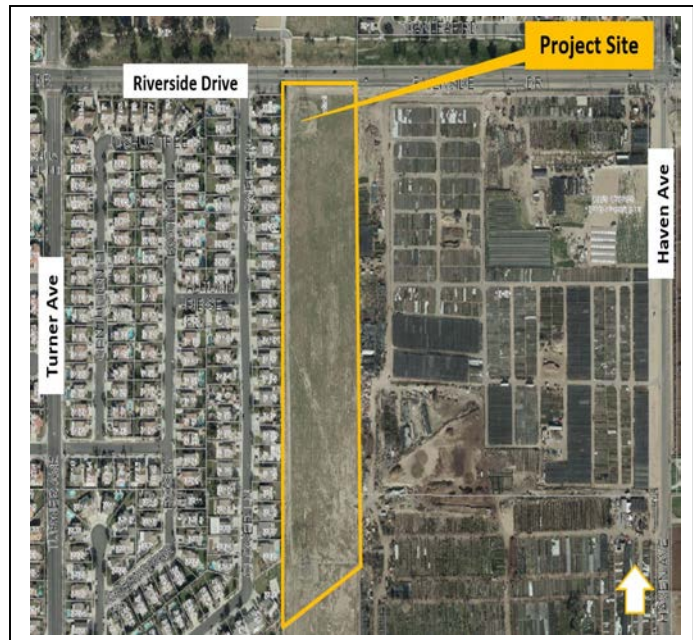


Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — The Applicant is requesting approval of a Development Plan (File No. PDEV17-021) to

Case Planner:	Denny D. Chen	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	6/18/2018	Approved	Recommend
Submittal Date:	12/20/2017	ZA			
Hearing Deadline:		PC	6/26/2018		Final
		CC			

construct a 65-foot tall non-stealth wireless telecommunications facility attached to an existing SCE transmission tower, with an accompanying 400 square foot equipment enclosure. The T-Mobile facility will be attached to the transmission tower at a height of 65-feet. The existing SCE tower is 132 feet tall and the site is owned by Southern California Edison (SCE) Company, for the operation & maintenance of SCE's transmission towers (**See Exhibit D – Elevations**).

On June 18, 2018, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project.

[2] Site Design/Building Layout — The proposed telecommunications facility will be located on the west side of the SCE Utility Corridor, approximately 145 feet from Riverside drive to the north. The maximum height allowed in the UC (Utilities Corridor) zone, for a free standing collocated telecommunication facility is 65-feet. The proposed mounting height of the telecommunication antennas, at a height of 65-feet, will be in compliance with the Development Code's maximum allowable height. The existing SCE tower can accommodate additional telecommunication carriers (colocation), provided they don't exceed a height of 65 feet.

The proposed location provides an opportunity for the carrier (T-Mobile) to provide and increase telecommunication coverage to existing and future residential zoned properties to the west, north, and east of the project site (**See Exhibits E & F - PROPAGATION MAPS, EXISTING AND PREDICTED COVERAGE**).

The new wireless communications facility will include three antenna sectors that will be attached to the existing SCE tower. Two antenna sectors will be attached on the north side of the tower and the third antenna sector will be attached on the south side. All ground mounted equipment will be enclosed and screened from public view by a 7-foot tall, split-face masonry block wall enclosure. The enclosure will be located within a 400 square feet area under the SCE tower (**Exhibit C – ENLARGED SITE PLAN**).

[3] Site Access/Circulation/Parking — Access to the wireless facility will be taken from an existing driveway on Riverside Drive, through a non-exclusive 10-foot wide access road. To comply with Ontario Development Code's parking requirements for wireless telecommunication facilities, one parking space will be provided, just south of the 400 square foot lease area. The parking space will only be used when the facility is serviced. The new wireless facility will not create a significant new source of vehicle or truck traffic to the site.

[4] Architecture — The proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed non-stealth telecommunications facility design is compatible with the current use of the site and will blend in with the

existing SCE tower. All ground mounted equipment will be enclosed and screened from public view by a 7-foot tall, split-face masonry block wall enclosure.

[5] Landscaping – The existing street frontage along the south side of Riverside Drive, approximately 470 feet long, is currently improved with temporary curb and 5-foot wide asphalt sidewalk. To enhance the site, as well as screen the equipment enclosure from public view, the applicant is proposing to landscape approximately 10-feet of Riverside frontage in front of existing chain link fence located along the property line. The additional landscaping will include six new trees, shrubs, mulch ground cover, and an irrigation system. The plant pallet will include 15-gallon trees and 5-gallon shrubs, such as Western Redbud trees and Silverberry shrubs (**Exhibit G – PROPOSED LANDSCAPING**).

[6] Signage — Pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure. The informational sign shall also include the contact information for the landscape maintenance company.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City’s Economy
- Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
 - CE2-1 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 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.

➤ CD2-13 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.

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

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

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

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

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The 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 15301 (Class 1, Existing Facilities) and Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

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>	Southern California Edison (SCE Easement)	OS-NR (Open Space/Non-Residential)	UC (Utilities Corridor)	N/A
<i>North</i>	Residential	OS-NR (Open Space/Non-Residential)	Creekside Specific Plan	Non-Recreational Open Space
<i>South</i>	Southern California Edison (SCE Easement)	OS-NR (Open Space/Non-Residential)	UC (Utilities Corridor)	N/A
<i>East</i>	Plant Nursery	LDR/OS-NR (Low Density Residential/Open Space/Non-Residential)	West Haven Specific Plan	Residential (Planning Area 1A)
<i>West</i>	Single Family Residential Homes	LDR (Low Density Residential)	LDR-5 (Low Density Residential 2.1 to 5 du/acre)	N/A

Exhibit A—PROJECT LOCATION MAP

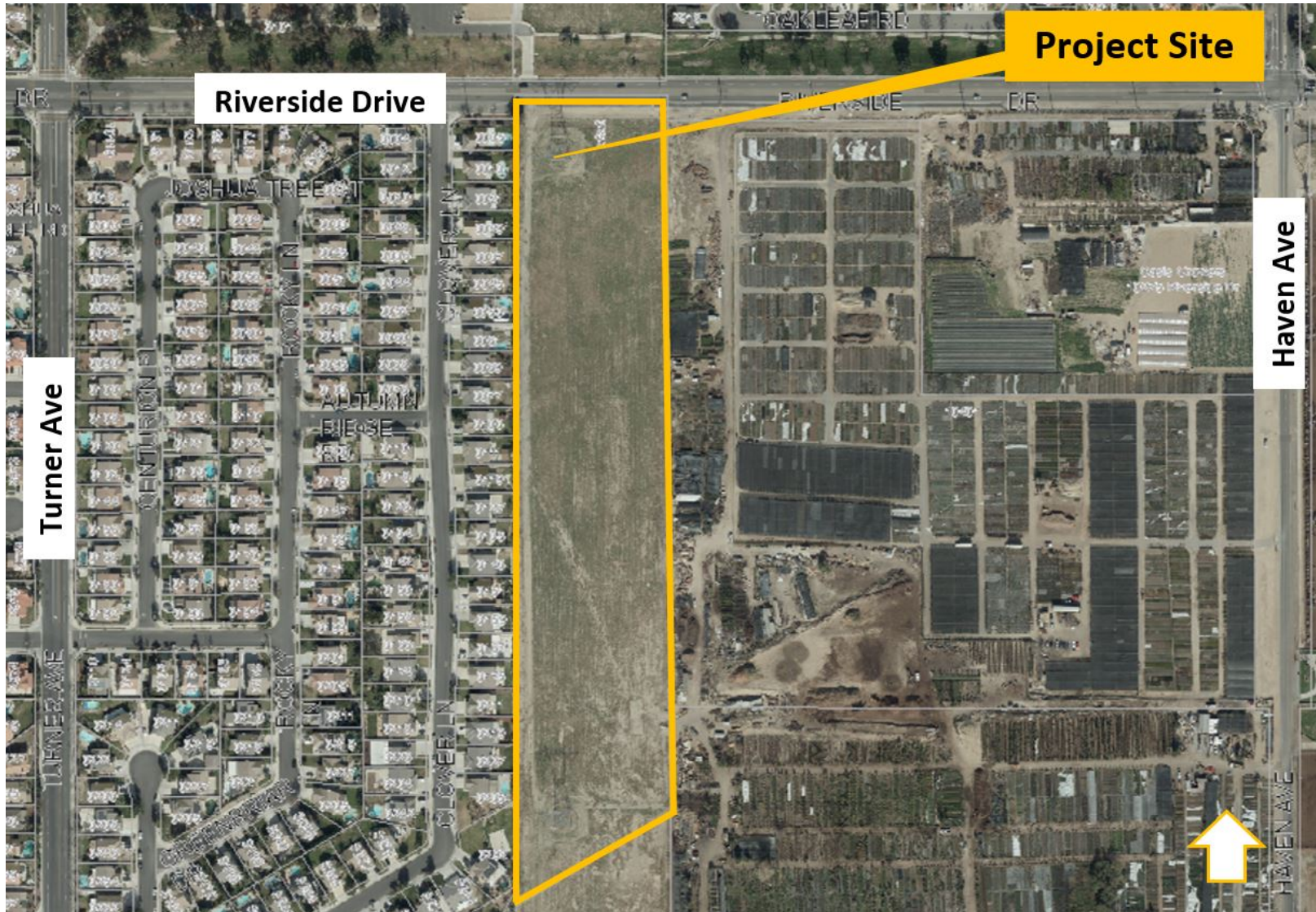


Exhibit B—PROJECT SITE PLAN

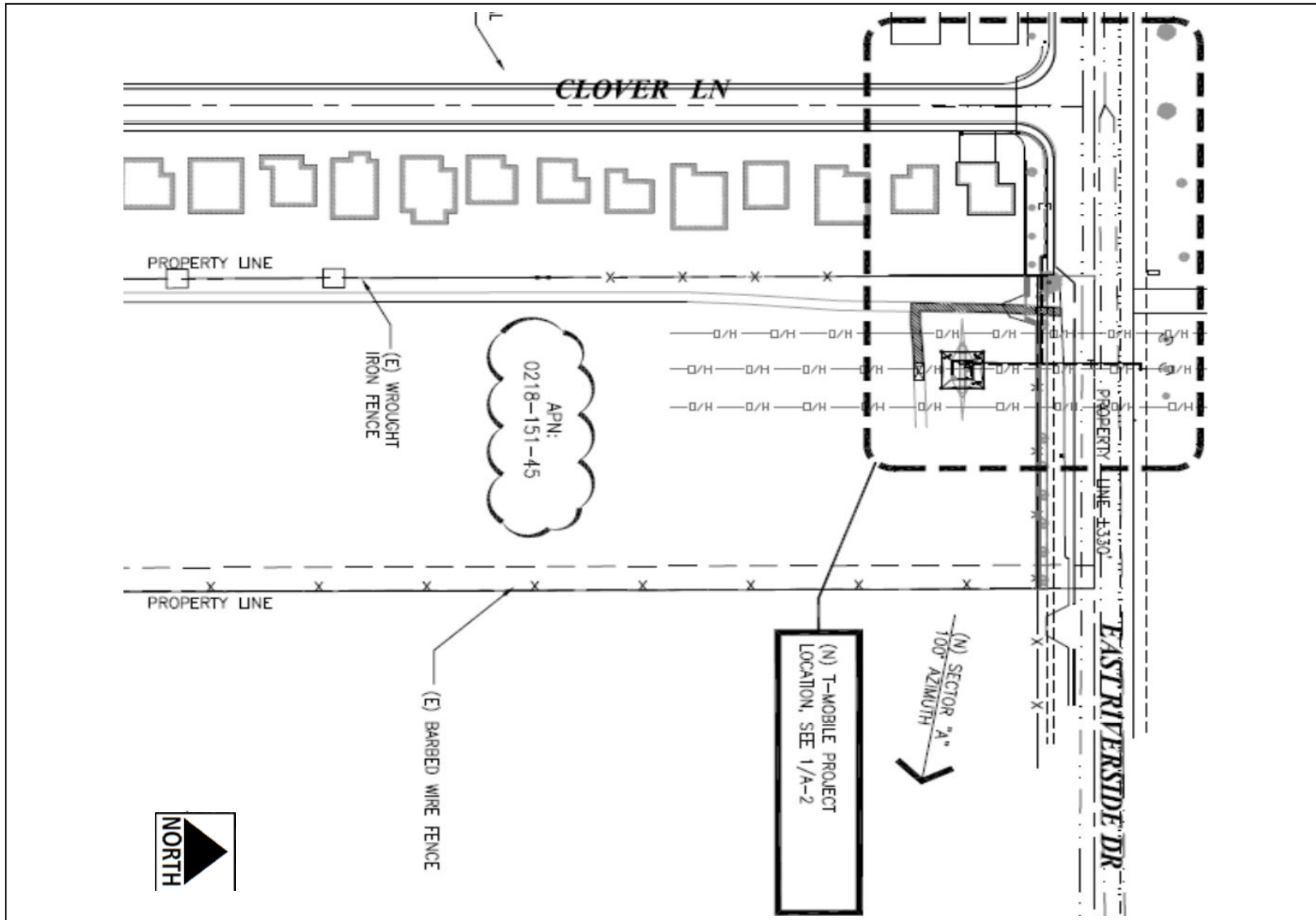


Exhibit C—ENLARGED SITE PLAN

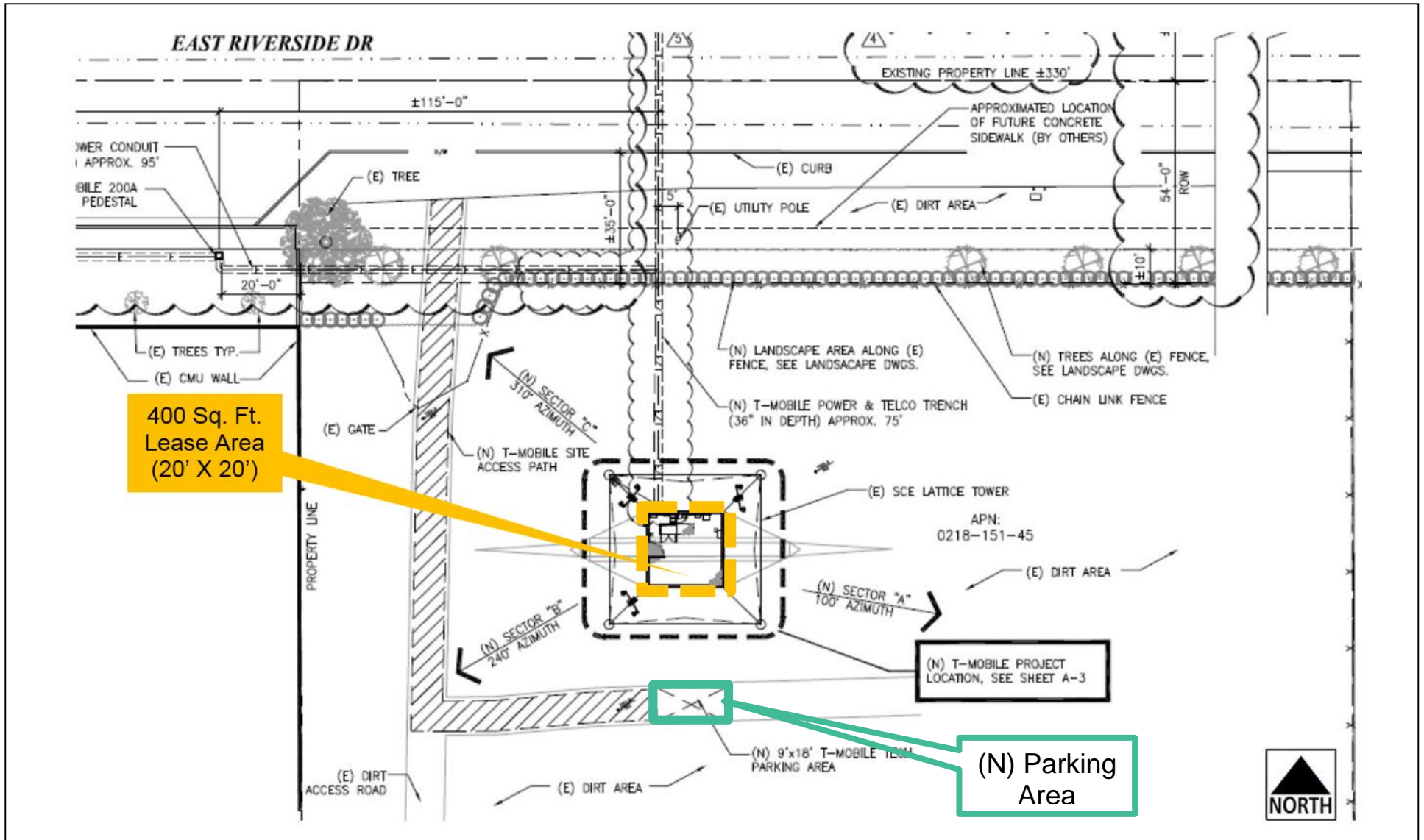
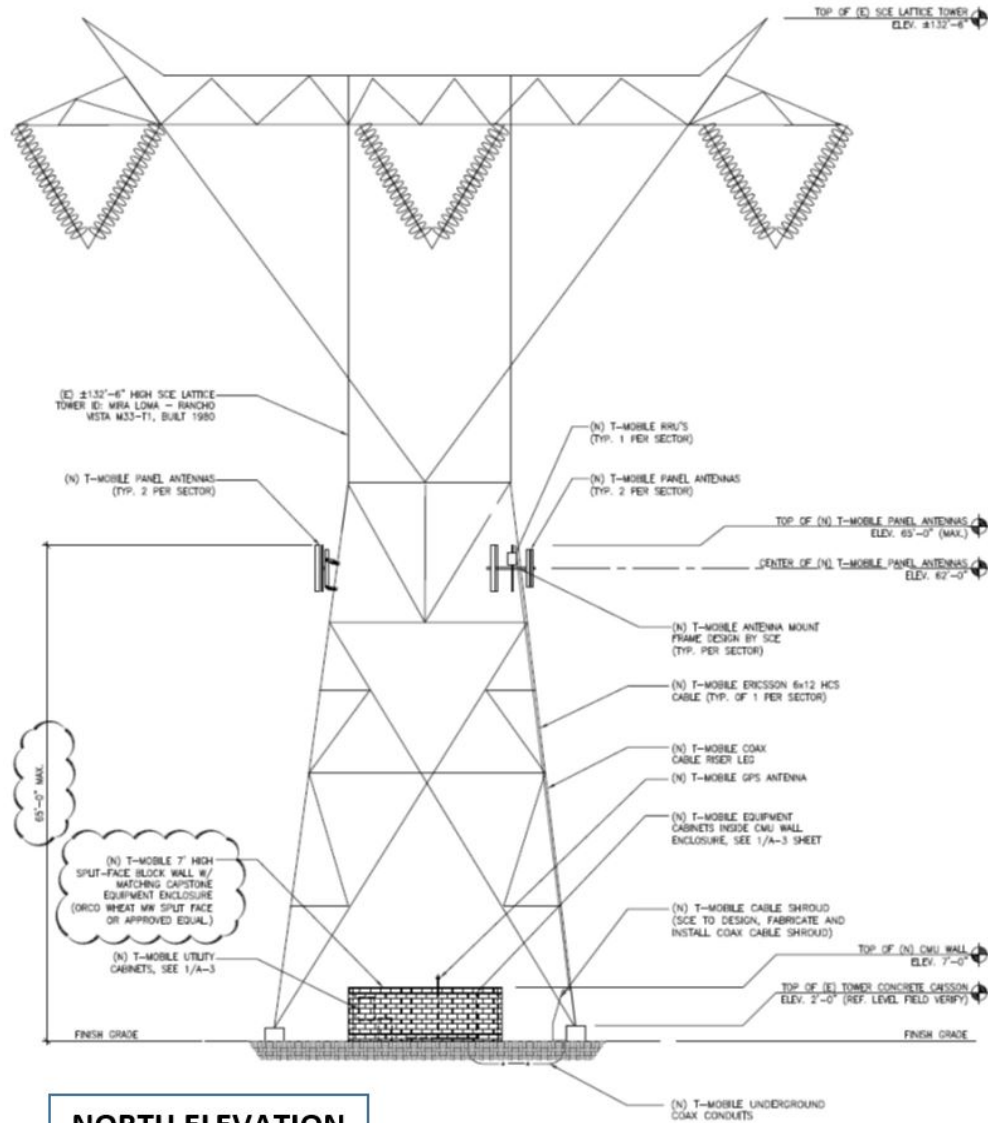
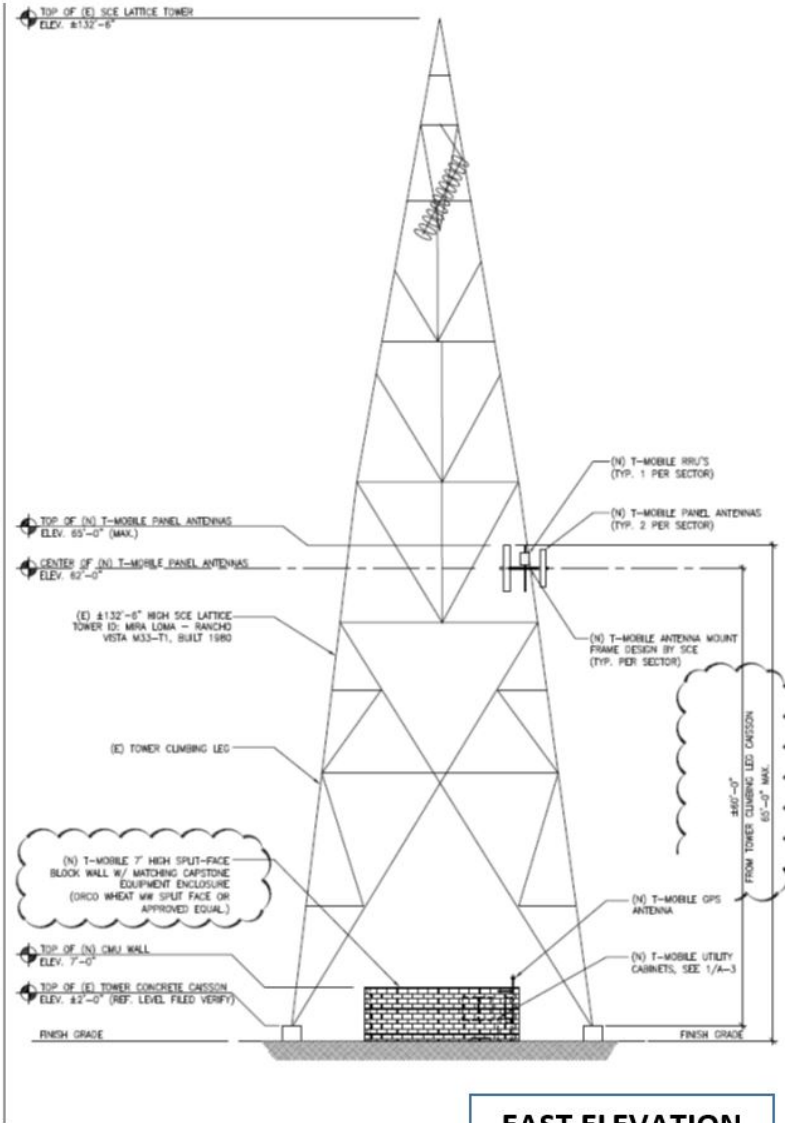


Exhibit D—ELEVATIONS

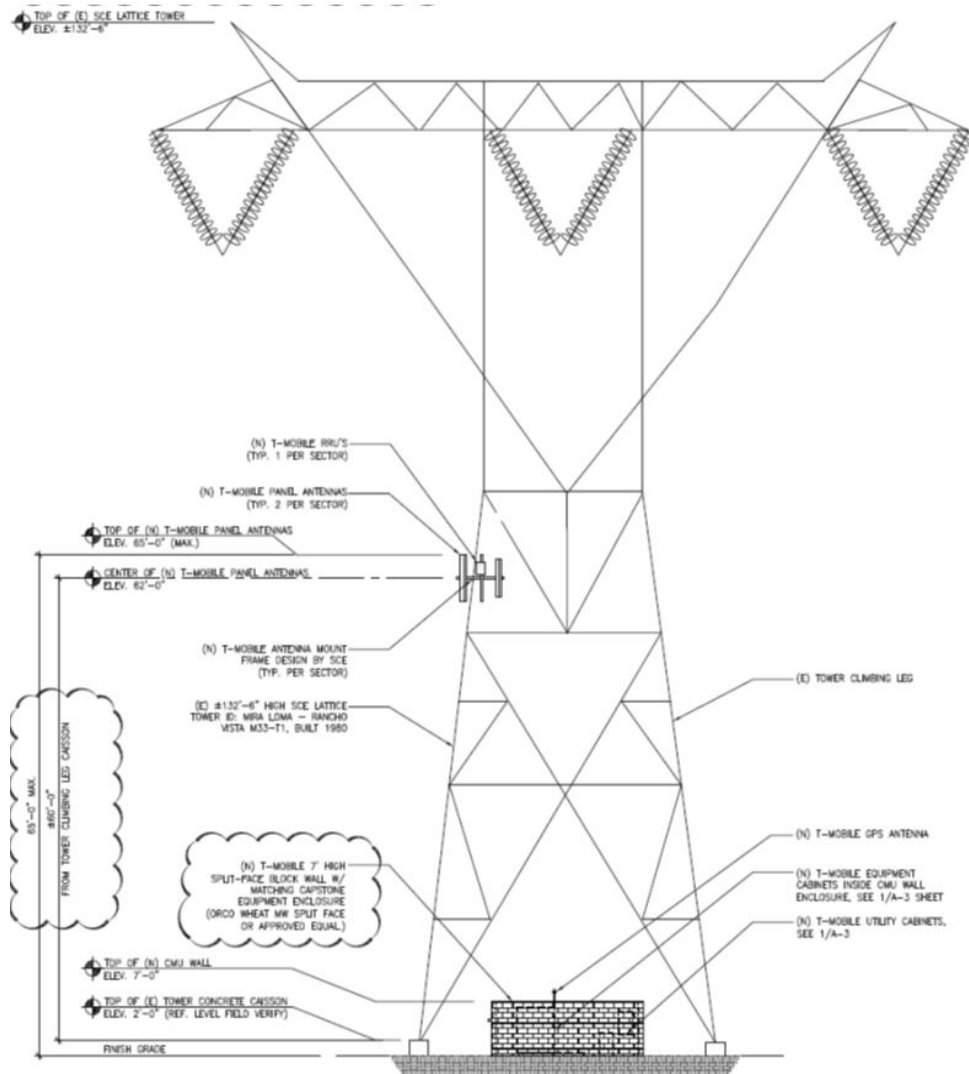


NORTH ELEVATION

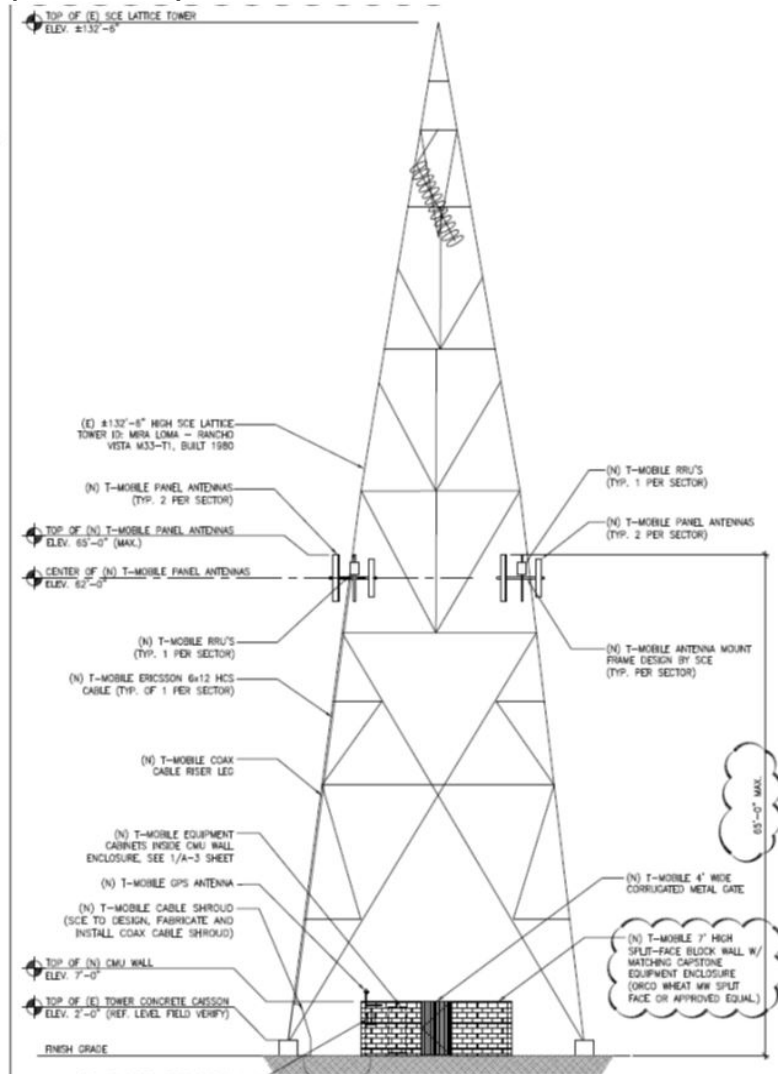


EAST ELEVATION

Exhibit D—ELEVATIONS (Continued)



SOUTH ELEVATION



WEST ELEVATION

Exhibit E—PROPAGATION MAP, EXISTING COVERAGE

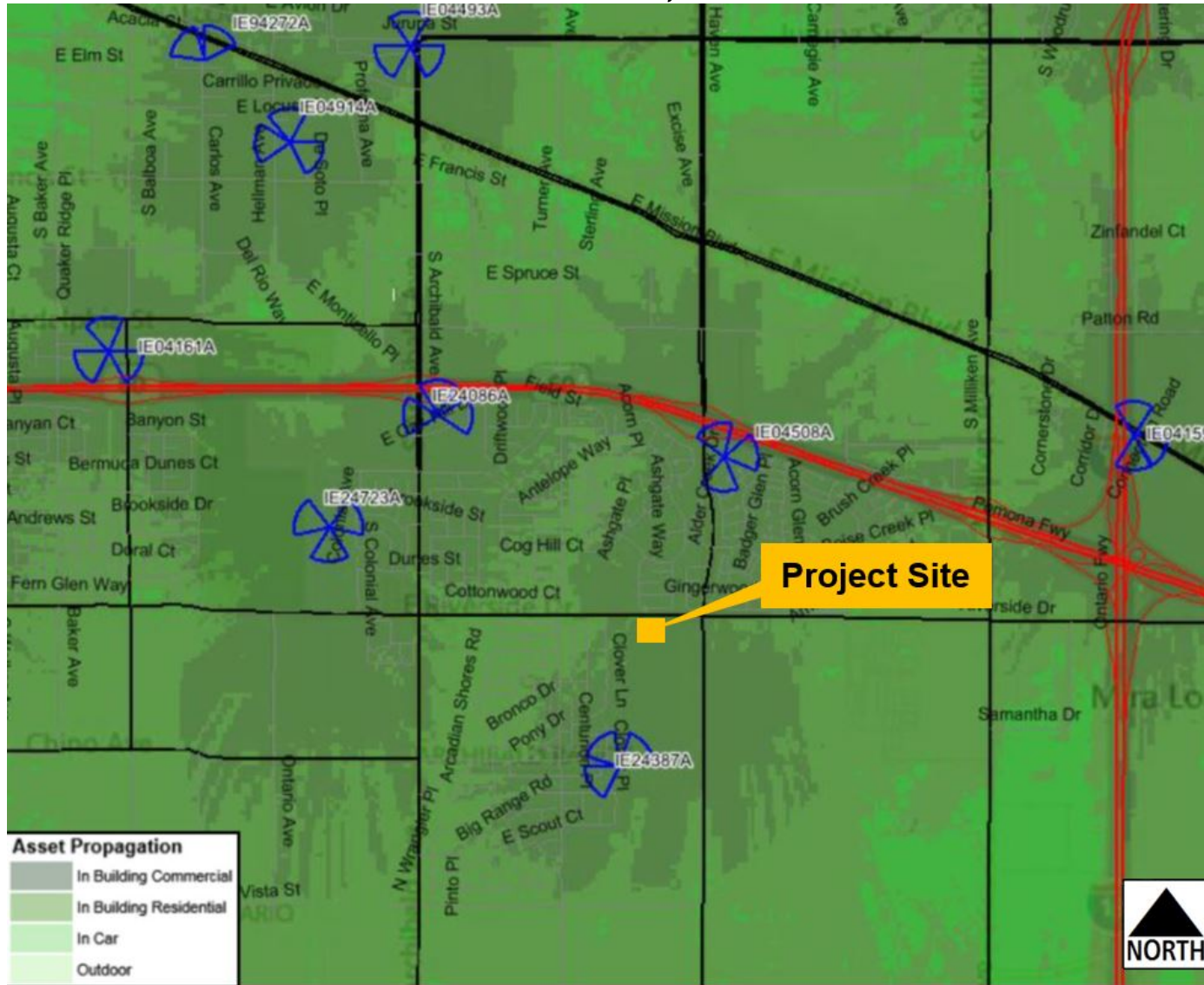


Exhibit F—PROPAGATION MAP, PREDICTED COVERAGE

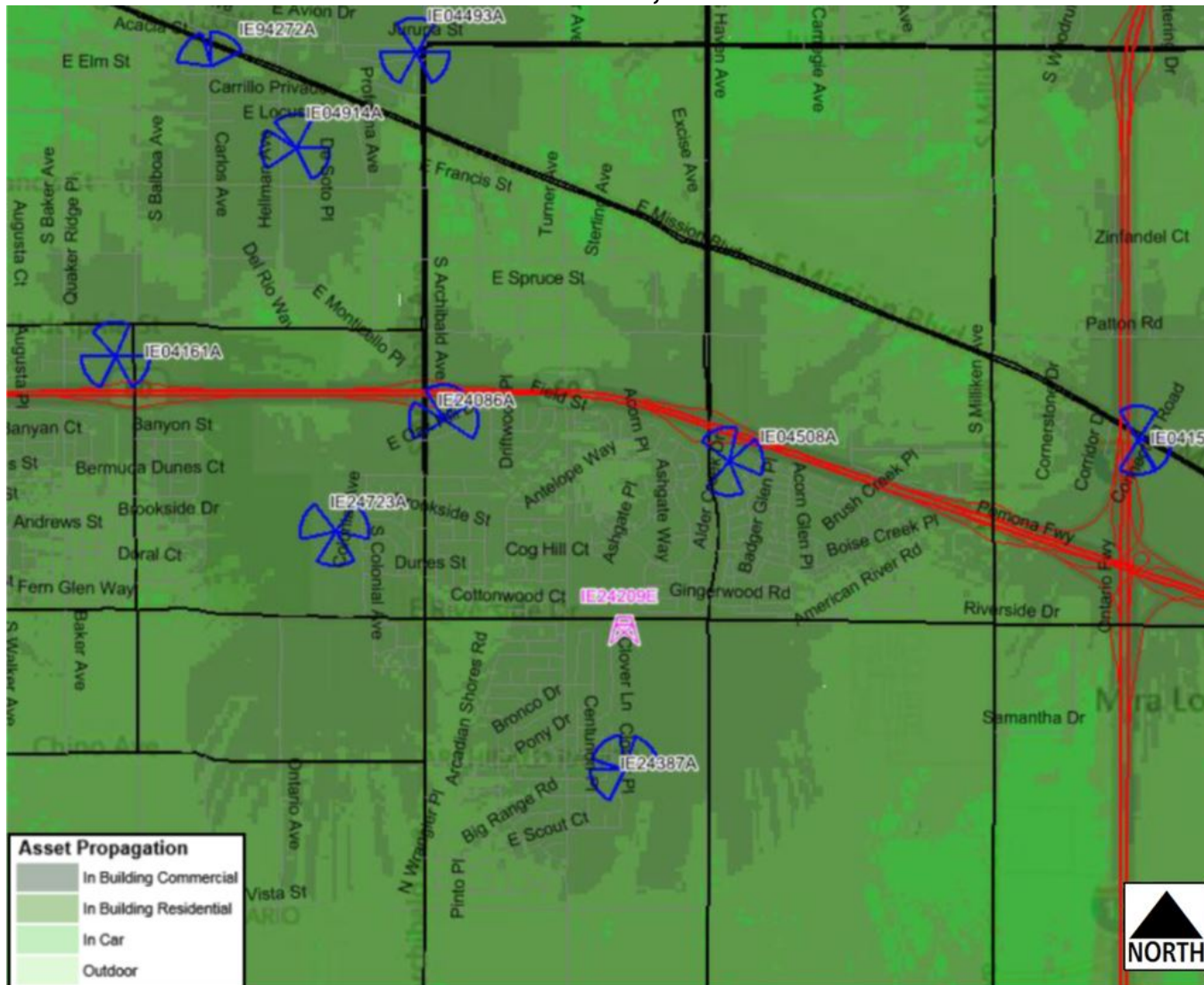


Exhibit G – PROPOSED LANDSCAPING

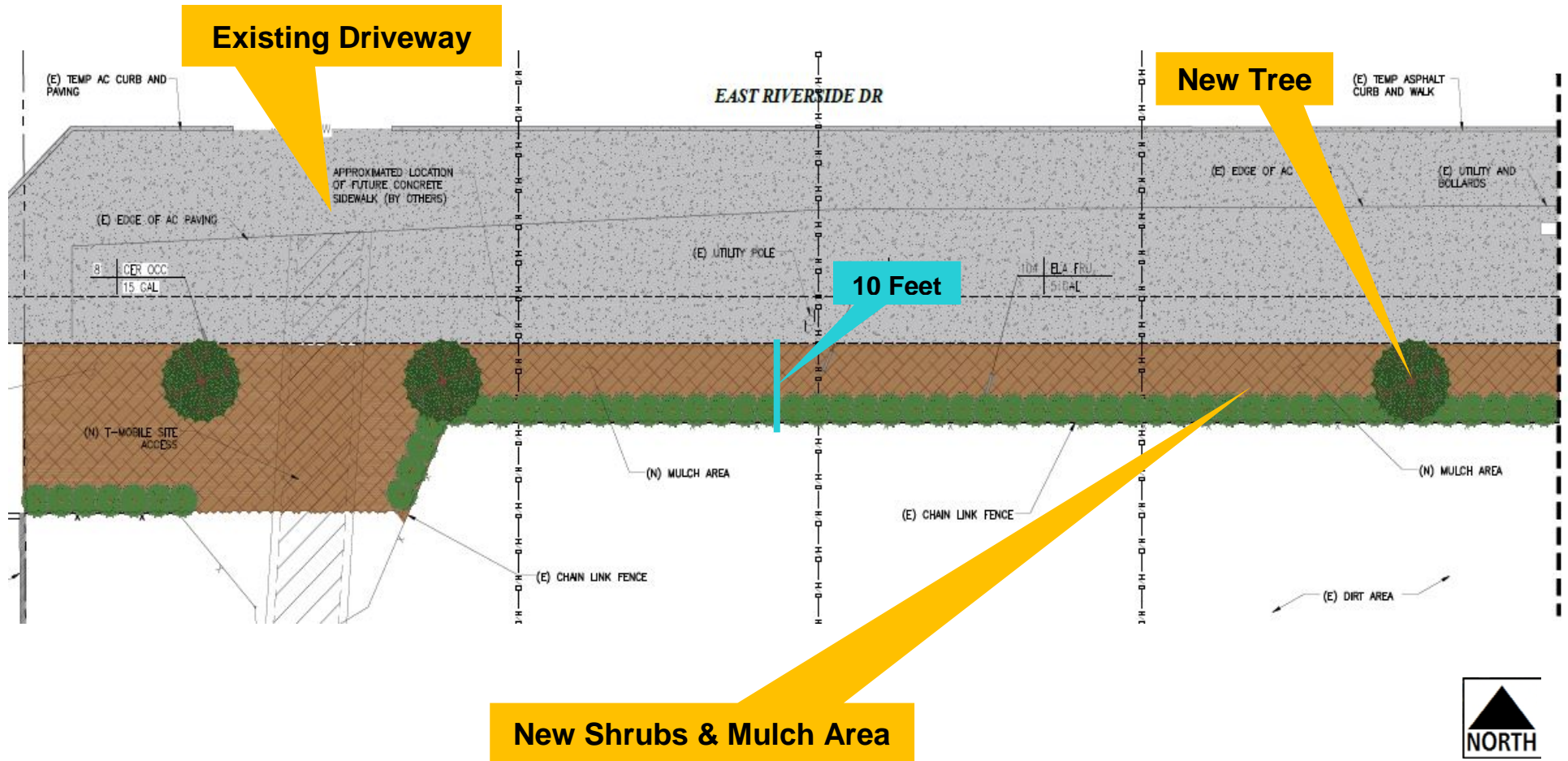
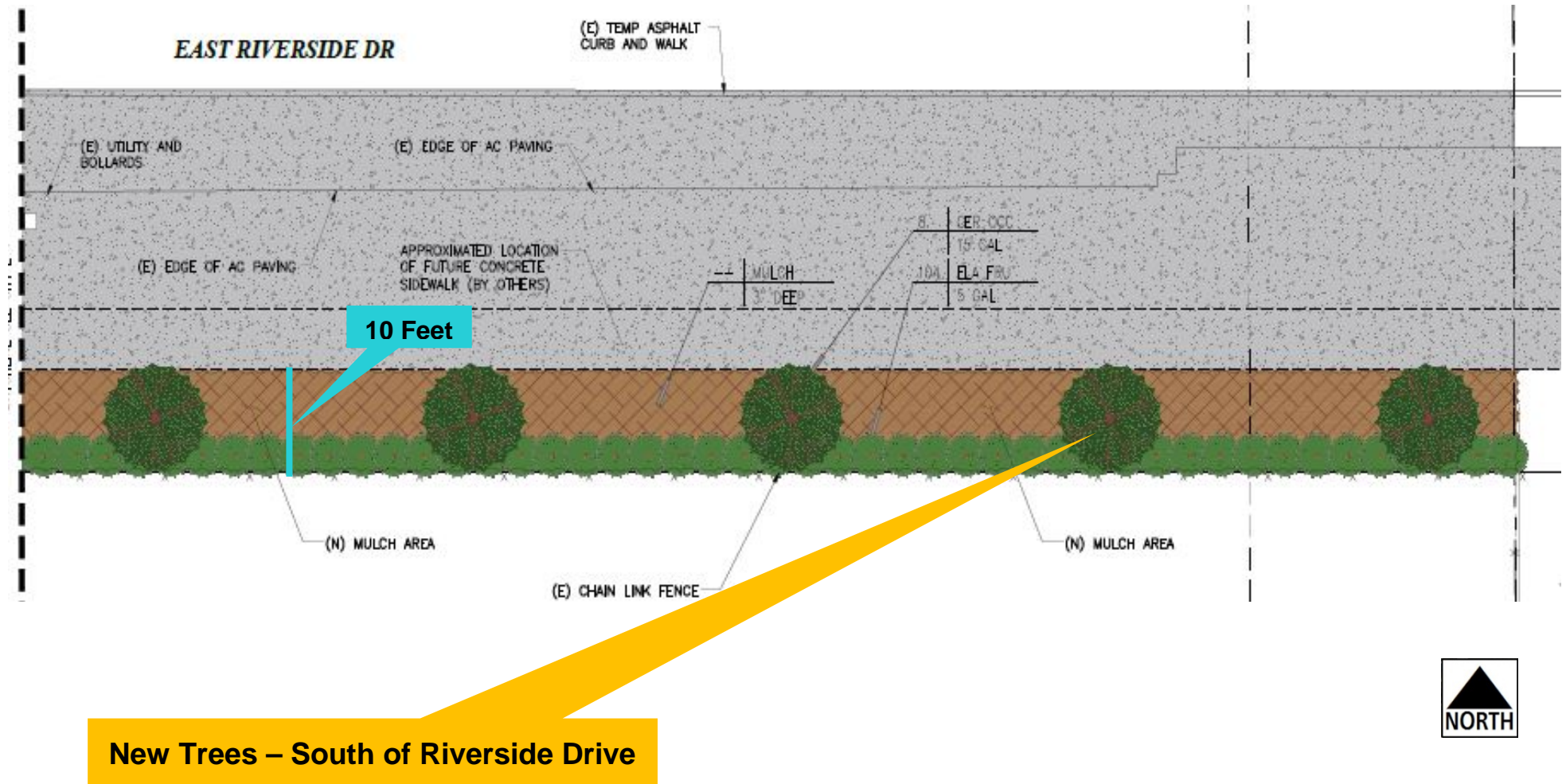


Exhibit G – PROPOSED LANDSCAPING (Continued)



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-021, A DEVELOPMENT PLAN TO ATTACH A NON-STEALTH WIRELESS TELECOMMUNICATIONS FACILITY TO AN EXISTING SOUTHERN CALIFORNIA EDISON (SCE) TOWER, INCLUDING THE CONSTRUCTION OF A 400 SQUARE FOOT EQUIPMENT ENCLOSURE, ON PROPERTY LOCATED AT 3252 EAST RIVERSIDE DRIVE, WITHIN THE UC (UTILITIES CORRIDOR) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-151-45.

WHEREAS, T-MOBILE ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-021, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to an approximately 12-acres site of land generally located south of Riverside Drive, between Turner Avenue and Haven Avenue, at 3252 East Riverside Drive, within the UC (Utilities Corridor), and is presently improved with Southern California Edison (SCE) transmission tower; and

WHEREAS, the property to the north of the Project site is within the Creekside Specific Plan and is developed with an existing SCE easement. The property to the east is within Planning Area 1A (Single Family Residential) of the West Haven Specific Plan and is developed with a commercial plan nursery. The property to the south is within the UC (Utilities Corridor) zoning district and is developed with SCE transmission towers. The property to the west is within the LDR5 (Low Density Residential) zoning district, and is developed with single family residential homes; and

WHEREAS, the applicant is requesting approval of a Development Plan (File No. PDEV17-021) to construct and operate a non-stealth telecommunications facility attached to an existing SCE transmission tower at a height of 65-feet with an accompanying 400-square foot equipment enclosure; and

WHEREAS, on June 18, 2018 the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project; and

WHEREAS, the proposed T-Mobile facility will be attached to the existing transmission tower at a height of 65-feet. The existing SCE tower is 132 feet tall and the site is owned by Southern California Edison (SCE) Company, for the operation & maintenance of SCE's transmission towers; and

WHEREAS, the maximum height allowed in the UC (Utilities Corridor) zone for a free standing collocated telecommunications facility is 65-feet. The proposed 65-foot height of the telecommunication antennas will be in compliance with the Development Code's maximum allowable height; and

WHEREAS, access to the proposed wireless facility will be taken from an existing driveway on Riverside Drive through a non-exclusive 10-foot wide access road easement. To comply with the Ontario Development Plan parking requirements, one parking space will be provided, just south of the 400 square foot lease area. The proposed non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area; 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 June 18, 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. DAB18-034, recommending the Planning Commission approve the Application; and

WHEREAS, on June 26, 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 has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. Class 1, Existing Facilities consists of the following:

- The project is consistent with the General Plan and all applicable zoning designation and regulations.
- The project has no value as habitat for endangered, rare or threatened species.
- The project will be adequately served by all required utilities and public services.
- The project will not result in significant effects relating to traffic, noise, air quality, or water quality.
- The project will not result in damage to a historical resource.
- The project will not include major exterior/interior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and

Class 3, New Construction or Conversion of Small Structures consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small

structures from one use to another where only minor modifications are made in the exterior of the structure; 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 OS-NR (Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the UC (Utilities Corridor) 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; 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 UC (Utilities Corridor) zoning district, including standards relative to the particular land use proposed (non-stealth wireless telecommunications facility), 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; 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, and City Council Priorities and Policy Plan components of The Ontario Plan; 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 dimensions, design and landscaping, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the proposed non-stealth telecommunications facility. 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 Development Code.

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

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26TH day of June 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 June 26TH, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-021
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: June 26, 2018

File No: PDEV17-021

Related Files: None

Project Description: A Development Plan to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. (APN: 0218-151-45); **submitted by T-Mobile.**

Prepared By: Denny D. Chen, Associate Planner
Phone: 909.395.2424 (direct)
Email: dchen@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) Comply with the conditions of approval of the Planning Department and Landscape Planning Division.

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) One parking space must be designated for the project.

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

(a) An informational sign which includes carrier information and emergency contact number shall be installed on the facility. The specific sign size and location specifications shall be consistent with the requirements of the Federal Communications Commission (FCC). Sign shall also include the contact information for the landscape Maintenance Company.

2.7 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 15301 (Class 1, Existing Facilities), which consists of:

- The project is consistent with the General Plan and all applicable zoning designation and regulations.
- The project has no value as habitat for endangered, rare or threatened species.
- The project will be adequately served by all required utilities and public services.
- The project will not result in significant effects relating to traffic, noise, air quality, or water quality.
- The project will not result in damage to a historical resource.
- The project will not include major exterior/interior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and

Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or

paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

2.9 Additional Fees.

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

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

2.10 Additional Requirements.

(a) All antennas and equipment mounted on the existing SCE (Southern California Edison) tower shall be painted to match the existing tower.

(b) T-Mobile shall obtain and maintain a City Business License for the operation of the new wireless telecommunications facility.

(c) An informational sign which includes carrier information and emergency contact number shall be installed on the facility. The specific sign size and location specifications shall be consistent with the requirements of the Federal Communications Commission (FCC). An additional sign shall also include the contact information for the landscape Maintenance Company.



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

DAB MEETING DATE: June 18th, 2018

PROJECT: PDEV17-021, a Development Plan to construct a wireless telecommunications facility (T-Mobile) on an existing SCE transmission tower. Related File: PCUP17-013

APN: 0218-151-45

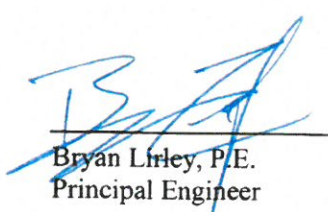
LOCATION: 3252 East Riverside Drive

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant *AA* (909) 395-2384


PROJECT PLANNER: Denny Chen, Associate Planner (909) 395-2424

The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The Applicant/Developer shall apply for an Encroachment Permit and process an Encroachment Agreement for proposed telecom facilities (e.g. conduit & pull box) within the public right-of-way.


Bryan Lirley, P.E.
Principal Engineer

6/4/18
Date


Khoi Do, P.E.
Assistant City Engineer

6-5-18
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

3/12/18
 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner		Phone: (909) 395-2237
D.A.B. File No.: PDEV17-021Rev 3		Case Planner: Denny Chen
Project Name and Location: T-Mobile- SCE Clover 3300 E Riverside Dr.		
Applicant/Representative: Reliant Land Services, Nate Horodysky 1745 W Orangewood Ave ste 103 Irvine, Ca 92614		
<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 2/8/18) 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		

1. Revise irrigation to show 6" pop up stream spray (5QB) bubblers for trees.
2. Change drip line burial depth to 2" of cover instead of 4-6"
3. Change class 200 lateral lines to sch 40 PVC.
4. Remove root barrier from tree planting detail. Refer to Landscape Planning Website tree planting detail.



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Planning Department

FROM: Lora L Gearhart, Fire Protection Analyst
Bureau of Fire Prevention

DATE: June 29, 2017

SUBJECT: PDEV17-021– A Development Plan To Construct A Wireless Telecommunications Facility (T-Mobile) On An Existing SCE Transmission Tower Located At 3252 East Riverside Drive, Within The UC (Utilities Corridor) Zoning District. (APN: 0218-151-45). Related File: PCUP17-013

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

CONDITIONS OF APPROVAL:

8. Hand-portable fire extinguishers are required to be installed PRIOR to occupancy. Contact the Bureau of Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
9. "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 encroach on the 26-foot clear width requirement per Ontario Fire Department. Install per Ontario Fire Department Standards #B-001 and #B-004. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
10. 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. Said numbers shall contrast with their background. (See Section 9-1.3280 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-003 and #H-002.)

21. 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.
28. The developer shall transmit a copy of these requirements to his on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the developer and fire protection designer obtain a copy of the Ontario Fire Department Fire Protection System Information Checklist to aid in system design. Development Advisory Board comments are to be included on the construction drawing.

ADDITIONAL COMMENTS:

If the equipment cabinets are to contain any stationary storage battery systems, said systems shall comply with section 608 of the 2016 California Fire Code

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: "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: Denny Chen, Associate Planner

DATE: May 01, 2017

SUBJECT: FILE #: PDEV17-021

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 **Monday, May 15, 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 review to collocate a T-Mobile cell site on an existing SCE transmission tower, located at 0 S SCE Easement, within the OSR (Open Space Recreational) zoning district. (APN: 0218-151-45)

RELATED FILE: PCUP17-013

- 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

MANAGEMENT
ANALYST
Title

5/16/17
Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: May 4, 2017
SUBJECT: PDEV17-021

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

Conditions of Approval

1. The Building Department requires a permit and inspection on the block wall enclosure only.
2. The meter pedestal is to be located on the cell site only.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-021 & PCUP17-013
 Address: 150 ft east of Clover Lane and south of Riverside Drive
 APN: 0238-151-45
 Existing Land Use: SCE Easement - 132 ft high SCE Transmission Tower
 Proposed Land Use: ancillary wireless facility
 Site Acreage: 12.8 Proposed Structure Height: 70 ft
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 5/26/17
 CD No.: 2017-036
 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 checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 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 provided the following condition is met:

The project applicant is required to file a FAA Form 7460-1 due to potential electronic interference to aircraft in flight and receive a determination of "No Hazard" from FAA prior building permit issuance.

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director 

DATE: June 26, 2018

SUBJECT: ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-003: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. 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, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario LLC.**

Staff is recommending that this item be continued to the July 24, 2018, Planning Commission meeting to allow staff and the applicant additional time to address project related issues.



PLANNING COMMISSION STAFF REPORT

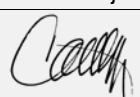
June 26, 2018

SUBJECT: An amendment (File No. PALU18-004) to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) to: 1) Update airport ownership references from Los Angeles World Airports (LAWA) to Ontario International Airport Authority (OIAA); 2) Eliminate LAWA's proposal to reconfigure the ONT runway system by shifting both runways south and east of their present position (Exhibit 1-6: Simplified Airport Diagram) and rely on the existing runway system (current Airport Layout Plan) for the ONT ALUCP; and 3) Update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace Protection Zones and 2-5: Overflight Notification Zones to reflect impacts from the existing runway configuration and eliminate the composite approach that protects existing and LAWA's proposed runway reconfigurations. The geographic scope of the ONT ALUCP is the Airport Influence Area (AIA), which includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont and unincorporated portions of San Bernardino, Riverside and Los Angeles Counties. **Submitted by: City of Ontario, Planning Department. City Council action is required.**

RECOMMENDED ACTION: That the Planning Commission recommend approval of File No. PALU18-004 to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: Ontario International Airport (ONT) is centrally located within the City of Ontario within southwestern San Bernardino County. ONT is classified as a primary commercial service airport, owned and operated by the Ontario International Airport Authority (OIAA).

The geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect land uses or impose restrictions on those uses. The AIA includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, and Claremont, the Counties of Riverside and Los Angeles and unincorporated portions of San Bernardino County. The Airport Influence Area for ONT is depicted in Figure 1 (on page two of this report) and Policy Map 2-1 of the ONT ALUCP.

Case Planner:	Lorena Mejia	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	June 4, 2018	ZA			
Hearing Deadline:	n/a	PC	6/26/18		Recommend
		CC	7/17/18		

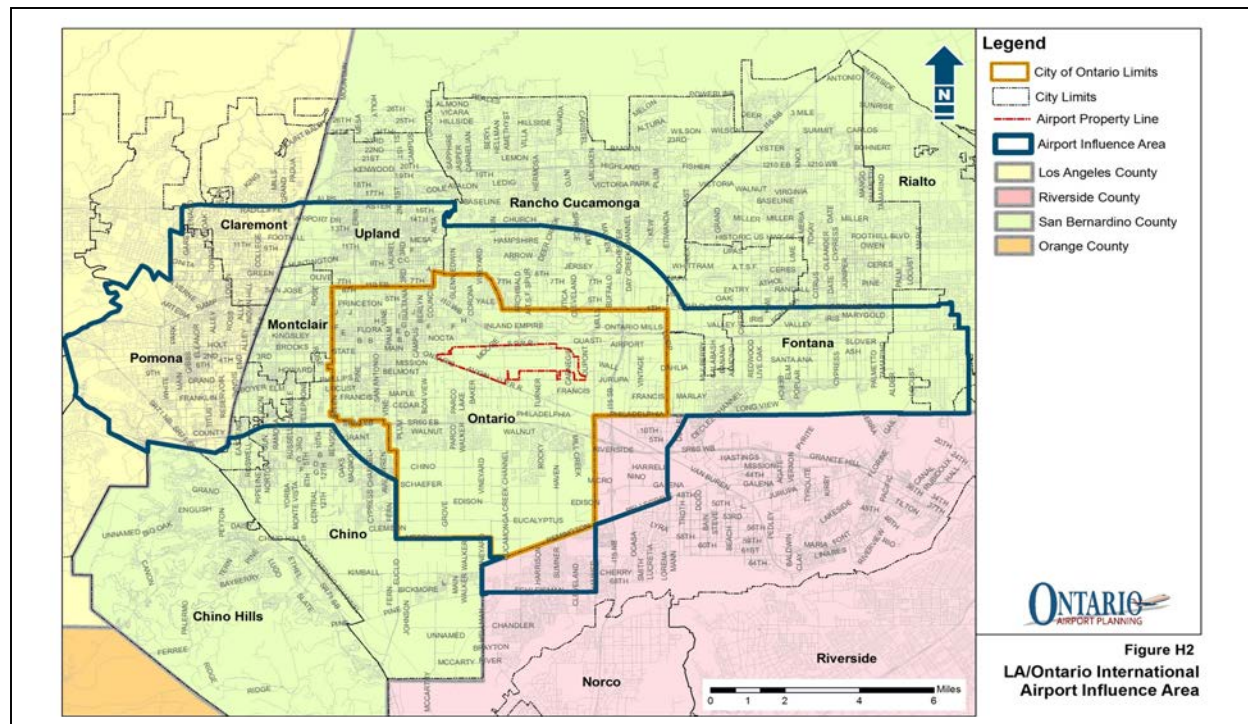


Figure 1: Project Location

PROJECT ANALYSIS:

[1] Alternative Process Background — In most counties, the responsibility for the preparation and adoption of airport land use compatibility plans falls to the county airport land use commission (ALUC). However, State law also provides for what is referred to as an “Alternative Process” wherein a county does not have to form an ALUC and the required compatibility planning responsibilities fall to local jurisdictions. The Alternative Process within San Bernardino County was established in 1995 by resolutions of the County Board of Supervisors and the city councils of cities affected by airports. Ontario City Council adopted the Alternative Process through Resolution No. 95-34 consistent with state law. The California Division of Aeronautics approved the San Bernardino County Alternative Process in 1996. The approval of the Alternative Process designated the City of Ontario as the local jurisdiction responsible for airport land use compatibility planning for ONT.

On April 19, 2011 the Ontario City Council adopted the Airport Land Use Compatibility Plan for Ontario International Airport (ONT ALUCP). The 2011 ONT ALUCP identified ONT impacts for noise, airspace and overflight that extended beyond Ontario City Limits which required processes to be established for mediating disputes with impacted jurisdictions to fulfill State Public Utilities Code Section 21670.1(c)(2). The ONT ALUCP outlined policies for plan preparation, adoption, amendments and mediating disputes and was implemented through a Cooperation Agreement. The Cooperation Agreement

established the Ontario International Airport – Inter Agency Collaborative (ONT-IAC) that was adopted by all impacted San Bernardino County agencies (City of Chino, City of Fontana, City of Montclair, City of Ontario, City of Rancho Cucamonga, City of Upland and San Bernardino County) in mid-2012.

[2] ONT ALUCP Document Background — State law dictates that airport land use compatibility plans have a 20 year horizon and be based upon an Airport Master Plan (AMP) or an Airport Layout Plan (ALP). The 2011 ONT ALUCP incorporated the future growth forecasts proposed by the previous airport owner operator, Los Angeles World Airports (LAWA) airport master plan efforts. The activity forecasts LAWA generated prior to the discontinuation of the AMP, explored the “no project” and “proposed project” scenarios, which could potentially be seen by 2030 depending upon the ultimate configuration of the airport’s runway. LAWA’s AMP efforts were not completed or adopted, and an ALP drawing was prepared showing the existing and potential future runway configurations proposed by LAWA and served as the basis of the ALUCP for ONT. The ALP drawing showing both runway configurations was approved by the California Division of Aeronautics in July of 2009.

On May 30, 2018 the City of Ontario received a letter from the OIAA requesting the ONT ALUCP be based on the most recently approved Airport Layout Plan (ALP) instead of the alternative runway configurations proposed by LAWA. In response to this request, proposed changes were made and forwarded to the ONT-IAC Technical Advisory Committee (TAC) for review and a meeting was held on June 21, 2018 to review the proposed changes.

[3] ONT ALUCP Amendment — The proposed redlined amendment of the ONT ALUCP document are included as part of “Attachment A” within this amendment’s Resolution and includes the following changes:

a) *Update airport ownership references from Los Angeles World Airports (LAWA) to Ontario International Airport Authority (OIAA).*

- The ONT transfer from LAWA to OIAA was completed in late 2016. As a result the LA/ONT name references for the airport were eliminated from the document and changed to ONT throughout the document. Language to page 1-4 of the document regarding the OIAA formation and ownership transfer were added. References of LAWA throughout the document were removed and replaced with the OIAA.

b) *Eliminate LAWA's proposal to reconfigure the ONT runway system by shifting both runways south and east of their present position (Exhibit 1-6: Simplified Airport Diagram) and rely on the existing runway system (current Airport Layout Plan) for the ONT ALUCP.*

- Exhibit 1-6 (Simplified Airport Diagram) was removed and replaced with ONT's current Airport Layout Plan (**See Figure 2: ONT Airport Layout Plan**) that only shows the existing runway configurations.
- The document changes include the removal of all text referencing the reconfiguration of the runways and the "proposed project" scenario. All relevant text and visual references within Chapter 1 and 2 exhibits and maps were also removed.

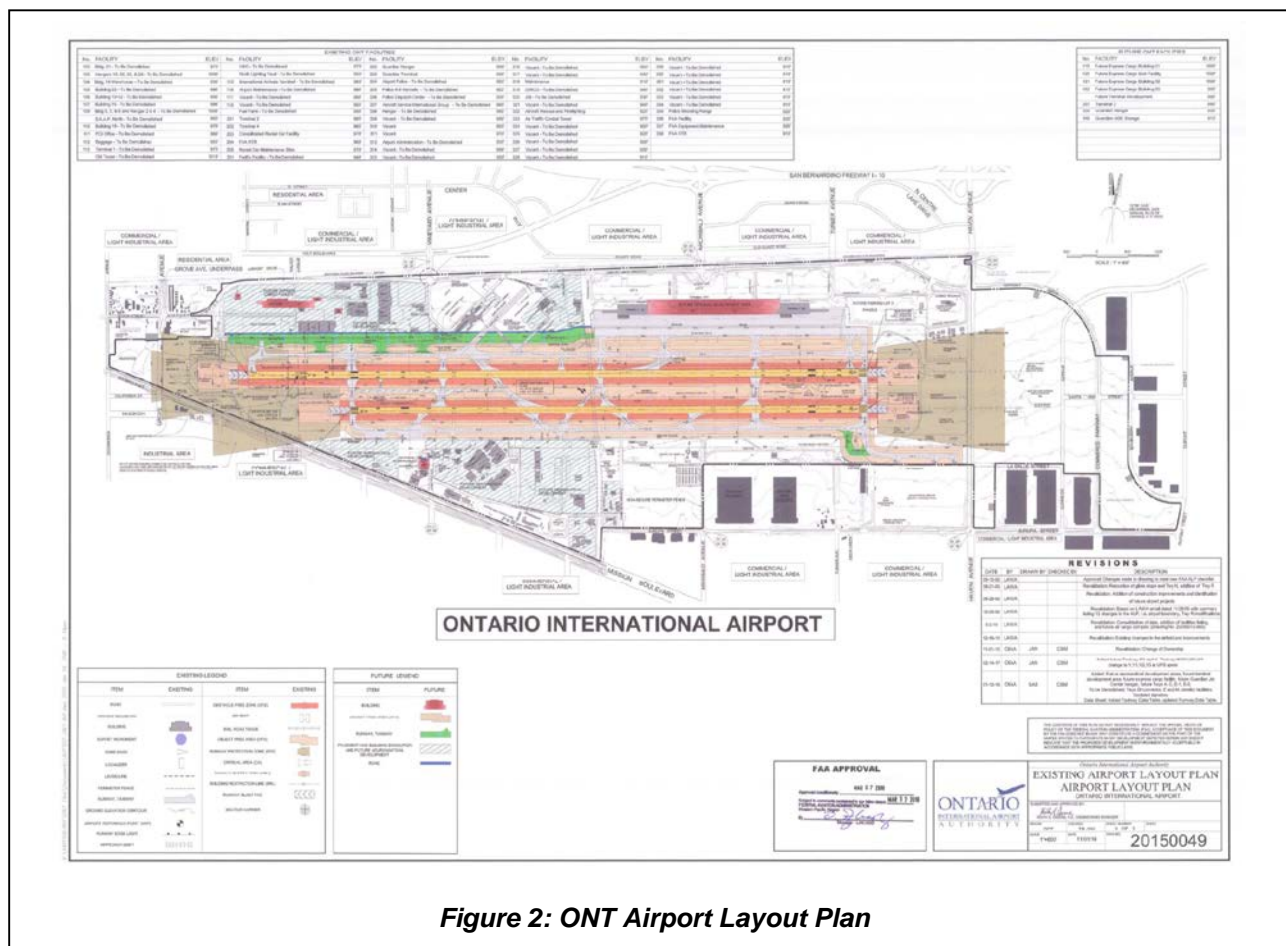


Figure 2: ONT Airport Layout Plan

c) Update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace Protection Zones and 2-5: Overflight Notification Zones to reflect impacts from the existing runway configuration and eliminate the composite approach that protects existing and LAWA's proposed runway reconfigurations.

- The policy maps were updated to eliminate the composite approach and will only reflect the existing runway system and “no project” scenario. As a result the Safety Zones, Noise Impact Zones, Airspace Protection Zones and Overflight Notification Zones were geographically reduced. The following is an explanation of each compatibility factor (Safety, Noise, Airspace Protection and Overflight) that is followed by its corresponding existing and proposed policy map.

[4] **Safety Zones** — The safety compatibility policies of the ALUCP apply only to the City of Ontario since the safety zones are located solely within Ontario’s city limits. The five safety zones around ONT affect both the intensity of development (i.e., number of people allowed per acre of land) and total permissible floor area of any future building developed. The safety zones also place restrictions on new residential land uses from being developed within the affected areas along with special land uses, such as schools. The existing and proposed five safety zones are depicted Figures 3 and 4 below and can be found in Chapter 2 of ALUCP (Map 2-2: Safety Zones). The proposed amendment will reduce the footprint of the safety zones on the east, west and south side of ONT.

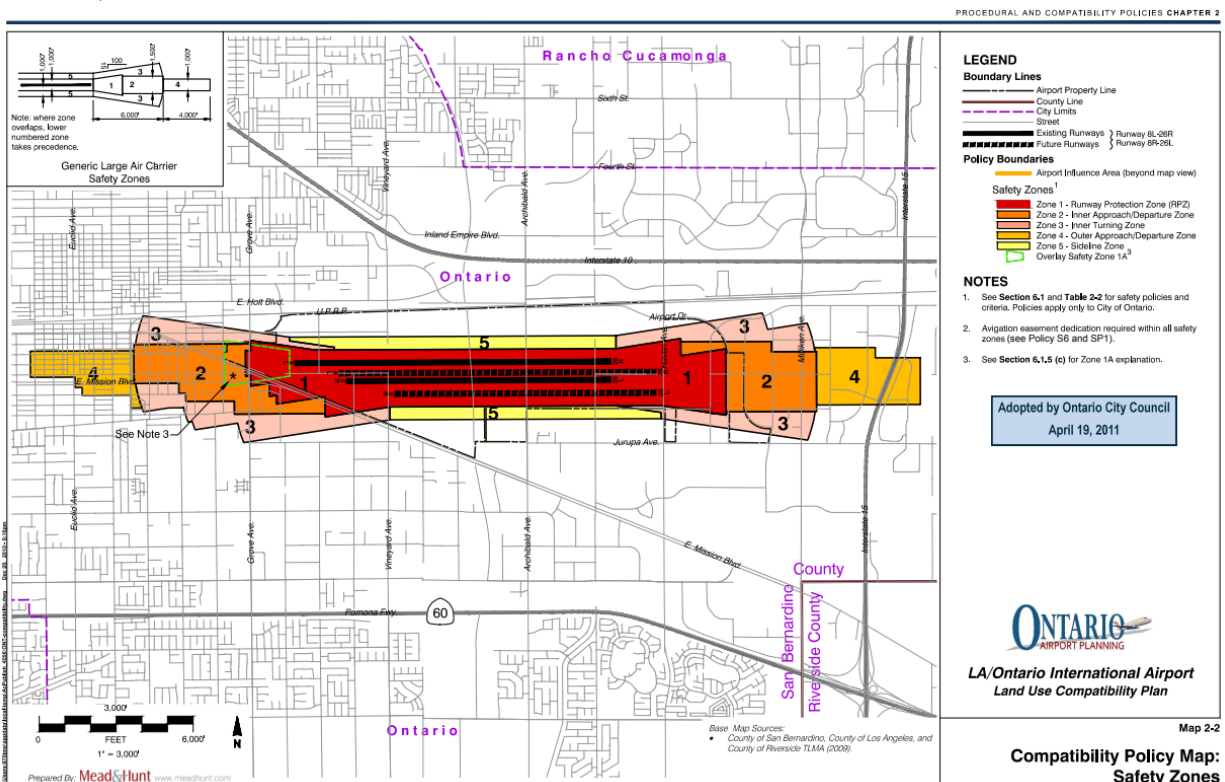


Figure 3: Existing Safety Zone Policy Map

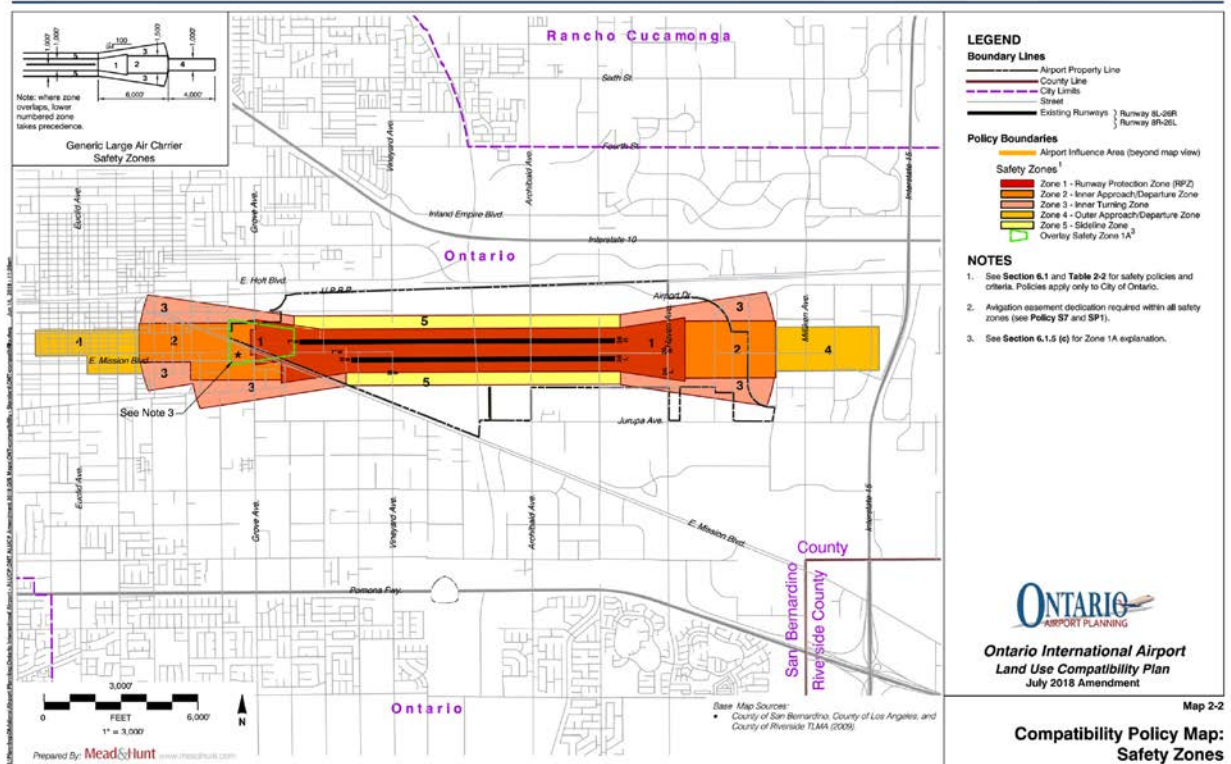


Figure 4: Proposed Safety Zone Policy Map

[5] Noise Impact Zones — The purpose of noise compatibility policies is to avoid the establishment of new noise-sensitive land uses within portions of the ONT AIA that will be exposed to significant levels of aircraft noise. The noise impact zones depicted on the following page represent the “no project” scenario reflecting the existing runway configuration with a 2030 forecast. The “proposed project” scenario reflecting the ultimate runway configuration with a 2030 forecast were removed as part of this update. To minimize noise-sensitive development in noisy areas around ONT, new development will be evaluated in accordance with the policies set forth in the ALUCP. Land uses that are considered to be noise-sensitive are detailed within the ALUCP but the general plan land use designation of most concern is the development of new residential land uses within the 65 CNEL noise contour, which the ALUCP places restrictions on and prohibits in some areas. The existing and proposed noise impact zones are depicted in Figures 5 and 6 on the following page and can be found in Chapter 2 of the ALUCP (Map 2-3: Noise Impact Zones). The proposed amendment will reduce the footprint of the noise impact zones on the east, west north and south side of ONT.

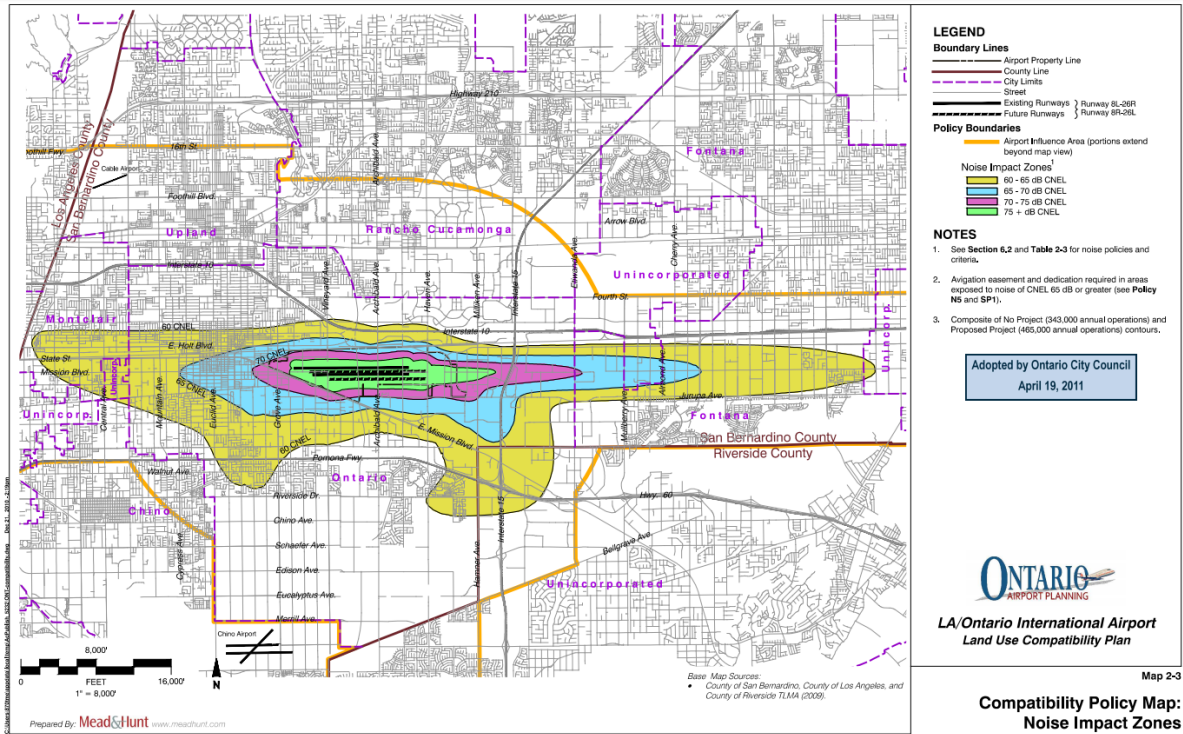


Figure 5: Existing Noise Impact Zones Policy Map

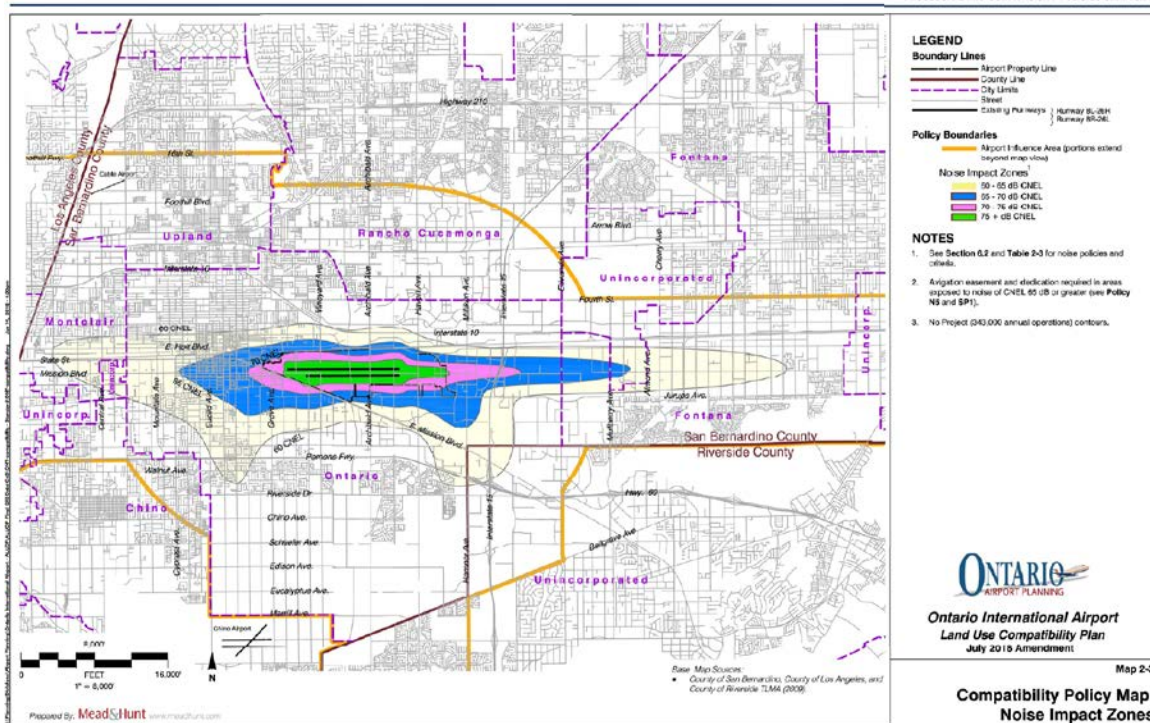
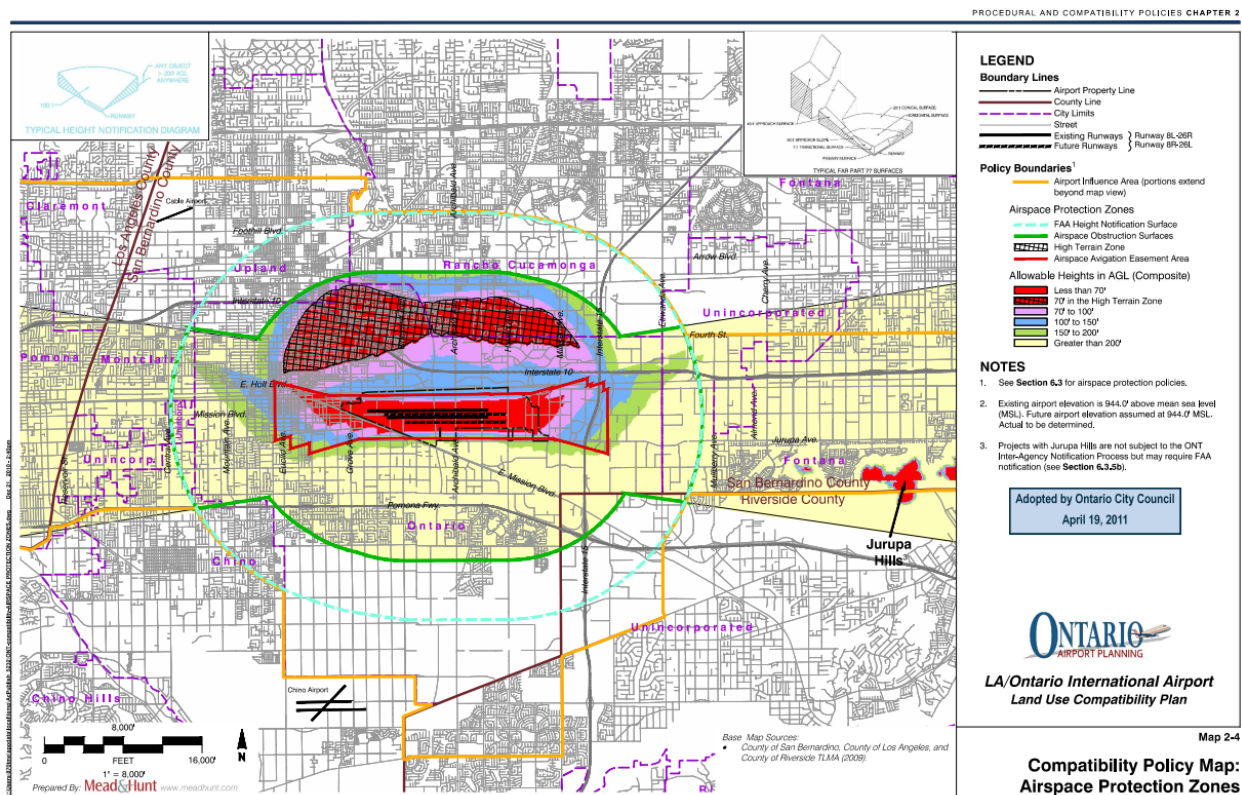


Figure 6: Proposed Noise Impact Zones Policy Map

[6] Airspace Protection — Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to aircraft in flight and have the potential for causing an aircraft accident to occur. Such hazards may be physical such as a building being built to high or lands uses on the ground that may cause visual or electronic hazards. The factors considered in setting airspace protection policies include: Federal Aviation Regulations (FAR) Part 77; the United States Standard for Terminal Instrument Procedures (TERPS); the One-Engine Inoperative (OEI) obstacle identification surface; and local topography which are detailed further within the ALUCP.

To determine the allowable heights of future objects, the underlying ground elevation is compared with the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces. The existing and proposed policy maps are depicted below in Figures 7 and 8 and can be found in Chapter 2 of the ALUCP (Map 2-4: Airspace Protection Zones). The proposed amendment will not further reduce the footprint of the airspace protection zone areas but may affect allowable heights that are calculated on a project location basis.



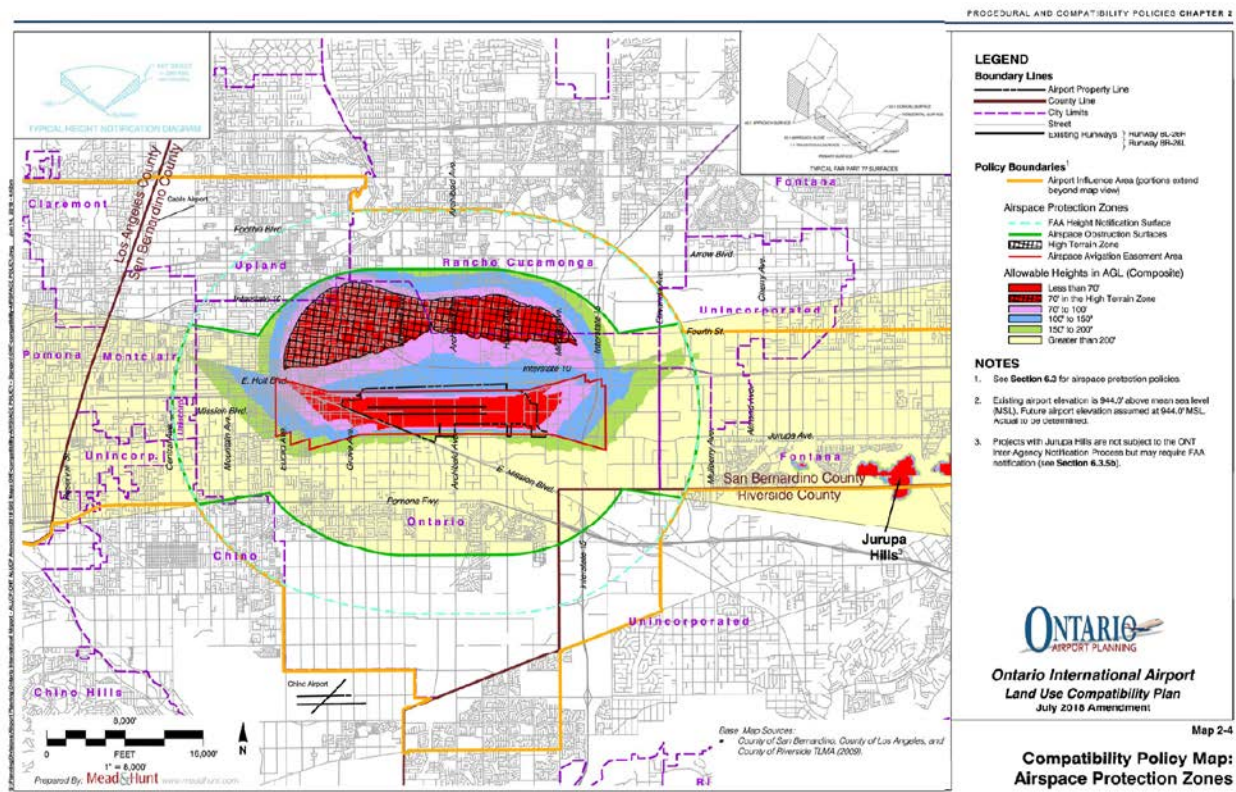


Figure 8: Proposed Airspace Protection Policy Map

[7] Overflight — Noise from individual aircraft operations, can be intrusive and annoying in locations beyond the limits of the noise impacts zones. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The existing and proposed boundary of the overflight area for ONT, is depicted Figures 9 and 10 on the following page and can be found in Chapter 2 of the ALUCP (Map 2-5: Overflight Notification Zones). The map is drawn to encompass locations where aircraft approaching and departing the airport typically fly at an altitude of 3,000 feet or less, together with locations underlying the airspace protection and height notification surfaces. The proposed amendment will reduce the footprints of the Avigation Easement and Recorded Overflight Notification Zones.

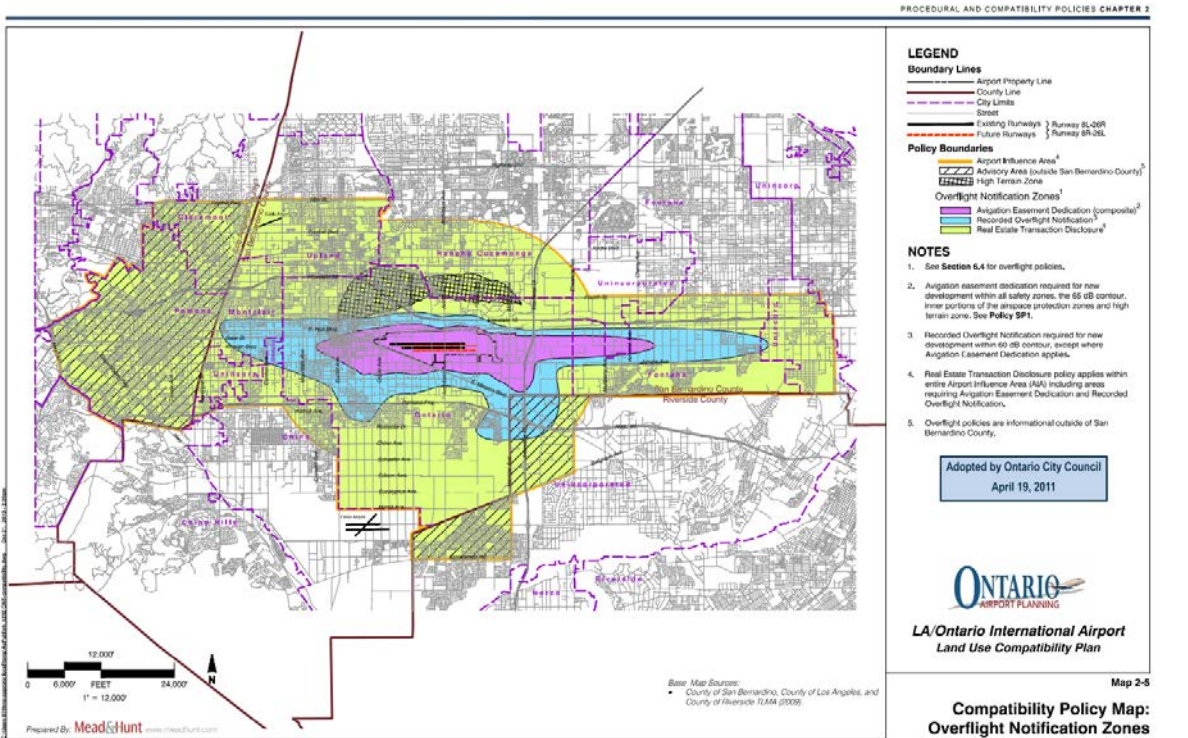


Figure 9: Existing Overflight Policy Map

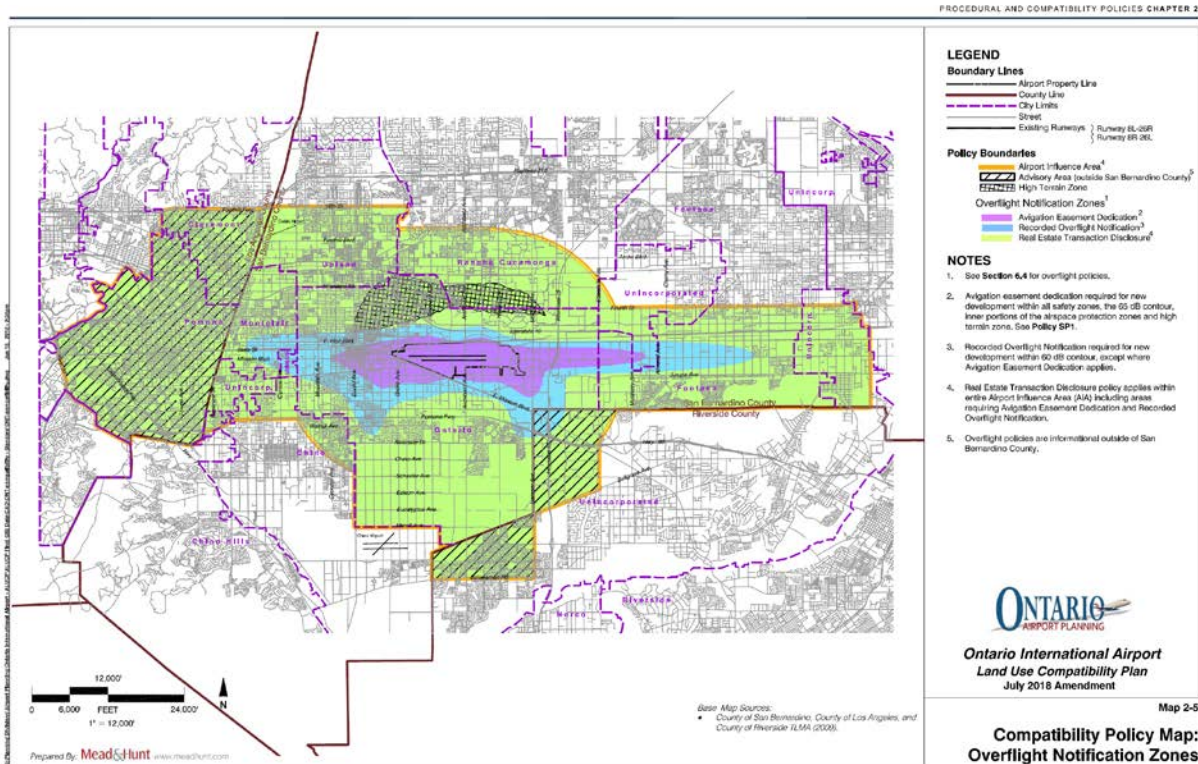


Figure 10: Proposed Overflight Policy Map

ALUCP AND GENERAL PLAN LAND USE CONSISTENCY: State Law requires General Plans and Specific Plans must be made consistent with adopted airport compatibility plans. Government Code Section 65302.3 requires that General Plans and any applicable Specific Plans “shall be consistent with” the Compatibility Plan and is reiterated in local agencies’ obligations under the Alternative Process (Public Utilities Code Section 21670.1(c)(2)(D)). General Plans do not need to be identical with the ALUCP in order to achieve consistency. Affected jurisdictions’ General Plans must do the following: (1) address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and (2) must avoid direct conflicts with the (ALUCP) development policies and criteria.

The consistency requirement pertains only to future land use development. Nothing in state law or the ALUCP requires that already existing development be removed or modified to eliminate incompatibilities that may already exist. Furthermore, General Plans and Specific Plans can show such land uses as continuing even though they would be nonconforming with the ALUCP criteria. Conflicts of this type do not constitute inconsistencies between a General Plan or Specific Plan and the ALUCP.

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
- Pursue City’s Goals and Objectives by Working with Other Governmental Agencies

[2] Policy Plan (General Plan)

Land Use Element:

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

➤ LU5-1 Coordination with Airport Authorities: We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.

➤ LU5-2 Airport Planning Consistency: We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations and/or adopted master plans and land use compatibility plans for the ONT and Chino Airport.

➤ LU5-3 Airport Compatibility Planning for ONT: We create and maintain the Airport Land Use Compatibility Plan for ONT.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File No. PADV07-008, for which a Negative Declaration (State Clearinghouse No. 2011011081) was adopted by the Ontario City Council on April 19, 2011. This project introduces no new significant environmental impacts.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PALU18-004, AN AMENDMENT TO THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN (ONT ALUCP) TO: 1) UPDATE AIRPORT OWNERSHIP REFERENCES FROM LOS ANGELES WORLD AIRPORTS (LAWA) TO ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA); 2) ELIMINATE LAWA'S PROPOSAL TO RECONFIGURE THE ONT RUNWAY SYSTEM BY SHIFTING BOTH RUNWAYS SOUTH AND EAST OF THEIR PRESENT POSITION (EXHIBIT 1-6: SIMPLIFIED AIRPORT DIAGRAM) AND RELY ON THE EXISTING RUNWAY SYSTEM (CURRENT AIRPORT LAYOUT PLAN) FOR THE ONT ALUCP; AND 3) UPDATE POLICY MAPS 2-1: AIRPORT INFLUENCE AREA, 2-2: SAFETY ZONES, 2-3: NOISE IMPACT ZONES, 2-4: AIRSPACE PROTECTION ZONES AND 2-5: OVERFLIGHT NOTIFICATION ZONES TO REFLECT IMPACTS FROM THE EXISTING RUNWAY CONFIGURATION AND ELIMINATE THE COMPOSITE APPROACH THAT PROTECTS EXISTING AND LAWA'S PROPOSED RUNWAY RECONFIGURATIONS. THE GEOGRAPHIC SCOPE OF THE ONT ALUCP IS THE AIRPORT INFLUENCE AREA (AIA), WHICH INCLUDES PORTIONS OF THE CITIES OF ONTARIO, FONTANA, UPLAND, MONTCLAIR, RANCHO CUCAMONGA, CHINO, POMONA, CLAREMONT AND UNINCORPORATED PORTIONS OF SAN BERNARDINO, RIVERSIDE AND LOS ANGELES COUNTIES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of an amendment to the Airport Land Use Compatibility Plan for Ontario International Airport, File No. PALU18-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Resolution No. 95-34 established the City of Ontario as the responsible agency for land use compatibility planning for Ontario International Airport; and

WHEREAS, the geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect future land uses or necessitate restrictions on those uses; and

WHEREAS, the Airport Influence Area which include portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona and

Claremont, portions of Riverside and Los Angeles Counties and unincorporated portions of San Bernardino; and

WHEREAS, the basic function of the project is to promote compatibility between Ontario International Airport and the land uses that surround it and the main objective of the project is to avoid future compatibility conflicts rather than to remedy existing incompatibilities; and

WHEREAS, the Project is aimed at addressing future land uses and development, not airport activity and the project does not place any restrictions on the present and future role, configuration, or use of the airport; and

WHEREAS, on April 19, 2011 the Ontario City Council adopted the Airport Land Use Compatibility Plan for Ontario International Airport (ONT ALUCP) that was based upon a Simplified Airport Diagram emphasizing both the existing and anticipated ultimate configurations of the runway system generated by Los Angeles World Airports (LAWA) the previous airport owner/operator; and

WHEREAS, on May 30, 2018 the City of Ontario received a letter from the current ONT airport owner and operator, the OIAA (Ontario International Airport Authority) requesting the ONT ALUCP be based on the most recently approved Airport Layout Plan (ALP) instead of the alternative runway configurations proposed by LAWA; and

WHEREAS, the proposed amendment includes updating airport ownership references from LAWA to OIAA; the elimination of LAWA's proposal to reconfigure the ONT runway system and rely only upon the existing runway system (current Airport Layout Plan) for the ONT ALUCP; and update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace Protection Zones and 2-5: Overflight Notification Zones to reflect impacts from the existing runway configuration; 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 reviewed in conjunction with File No. File No. PADV07-008, for which a Negative Declaration (State Clearinghouse No. 2011011081) was adopted by the Ontario City Council on April 19, 2011, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, 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 make recommendation to the City Council on the subject Application; and

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

WHEREAS, on June 26, 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 previous Negative Declaration and supporting documentation. Based upon the facts and information contained in the previous Negative Declaration and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Negative Declaration, previously adopted by the City of Ontario Council on April 19, 2011, in conjunction with File No. PADV07-008.

(2) The previous “ND” contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous “ND” was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous “ND” 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 “ND”.

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 ALUCP Amendment will protect the public health, safety, and welfare by ensuring the orderly expansion of airports.*** The proposed ONT ALUCP amendment will ensure the orderly expansion of ONT by protecting the current runway configuration system shown in the most recently approved Airport Layout Plan dated March 7, 2018.

(2) ***The proposed ALUCP Amendment will minimize the public's exposure to excessive noise and safety hazards within areas around the airport to the extent that these areas are not already devoted to incompatible uses.*** The proposed ONT ALUCP amendment will minimize the public's exposure to excessive noise and safety hazards within areas around ONT by protecting the current runway configuration system shown in the most recently approved Airport Layout Plan dated March 7, 2018.

(3) ***The proposed ALUCP Amendment is consistent with the goals and policies of the general plan.*** The proposed ONT ALUCP amendment is consistent with the policies of The Ontario Plan, specifically policy LU5-3 Airport Compatibility Planning for ONT that requires the City Ontario to create and maintain the Airport Land Use Compatibility Plan for ONT.

(4) ***The proposed ALUCP Amendment is reasonable and beneficial, and in the interest of good planning practice.*** The proposed amendment is reasonable and beneficial in the interest of good planning practices since it will continue to protect the orderly expansion of the airport and allow surrounding land uses to be developed consistently with the future planned growth of ONT. The proposed amendment will eliminate the need to limit land uses based upon a future runway configuration that has been deemed unnecessary by the owner/operator of ONT.

SECTION 6: 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 APPROVES the herein described Application, as shown in "Attachment A," and incorporated herein by this reference.

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

SECTION 8: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of June 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 June 26, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

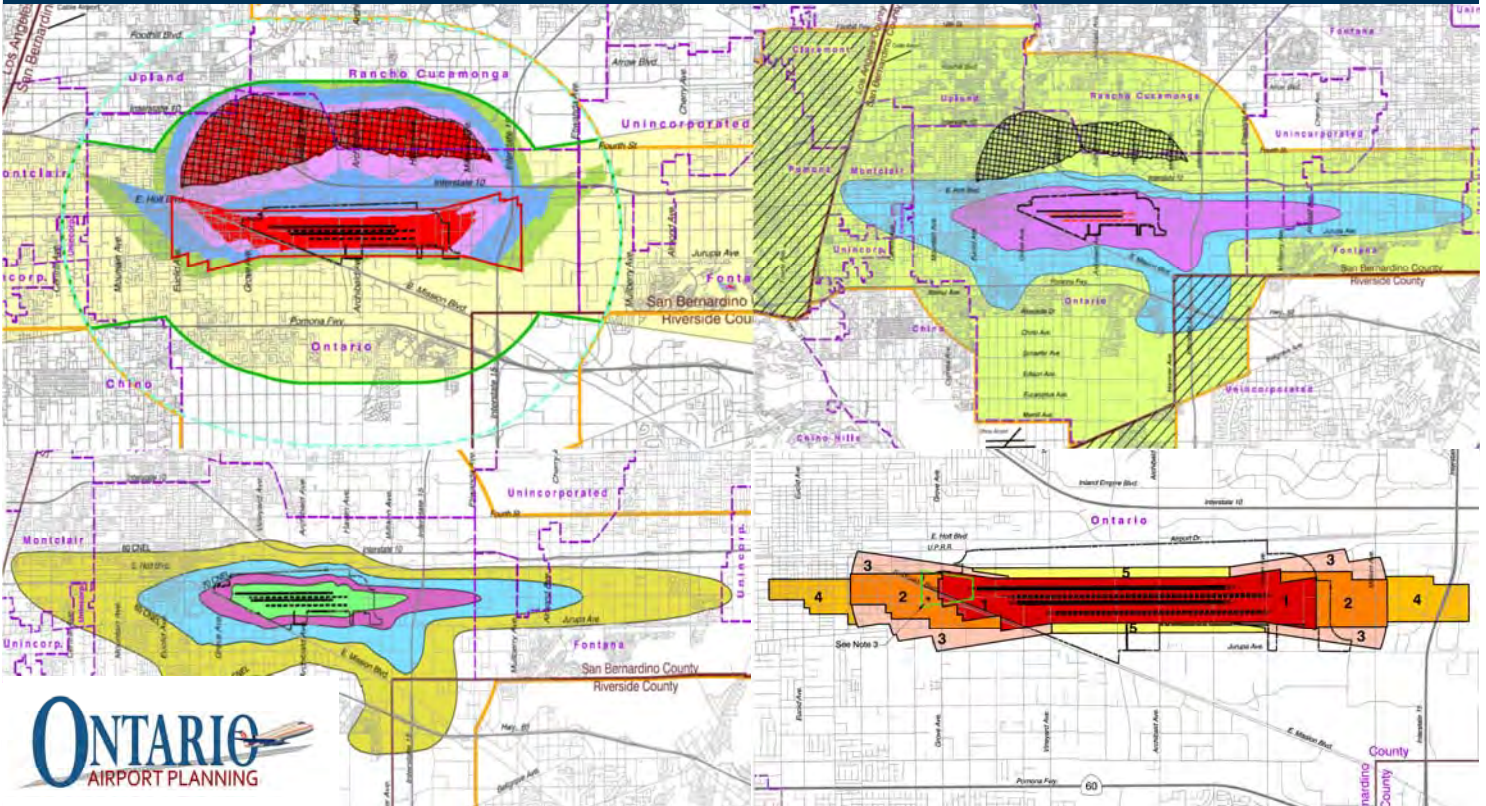
File No. PALU18-004

**Ontario International Airport
Land Use Compatibility Plan (ONT ALUCP)
Document**



LA/ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN

CITY OF ONTARIO AIRPORT COMPATIBILITY PLANNING



ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN



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Sheila Mautz, *Council Member*

Jim W. Bowman, *Council Member*

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Bob Gregorek, *Chairman*

Richard Delman, *Commissioner*

Rick Gage, *Commissioner*

Barbara Hartley, *Commissioner*

Fausto Reyes, *Commissioner*

ADOPTED BY ONTARIO CITY COUNCIL

APRIL 19, 2011

ORDINANCE NO. 2935

EFFECTIVE DATE

MAY 19, 2011

AMENDMENT

JULY 17, 2018

Prepared for:

City of Ontario
Planning Department



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Technology Associates
International Corporation



Funded by :

Federal Aviation Administration (FAA)



Section 160 of Vision 100
Century of Aviation Reauthorization Act

ACKNOWLEDGEMENTS

The City of Ontario would like to thank the Technical Advisory Committee for their time, participation and technical assistance with development of the Airport Land Use Compatibility Plan for LA/Ontario International Airport. The City also thanks the Federal Aviation Administration (FAA) for allocating the grant funds which made the development of this plan possible.



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Aviation is an important industry in the State of California. It plays a significant role in the local and regional economy. Airports provide a means of transportation, business development, recreational aviation opportunities and educational venues to the citizens of the State, as well as visitors to the region. Communities in close proximity of an airport benefit from its economic value but are also subject to airport impacts such as noise and safety. Airport Land Use Compatibility Plans are documents that address airport impacts and provide implementation techniques to ensure the development of compatible land uses around airports.

This *Airport Land Use Compatibility Plan (Compatibility Plan)* addresses land use impacts around ~~LA~~/Ontario International Airport. The document is organized into two chapters and a set of appendices. Chapter 1 identifies the background data and methodology utilized for the basis of this *Compatibility Plan* and Chapter 2 identifies the procedural policies and compatibility criteria for implementing this Plan.





Chapter 1

BACKGROUND AND METHODOLOGY

AIRPORT COMPATIBILITY PLANNING

Introduction

The California State Aeronautics Act (Public Utilities Code, Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan (Compatibility Plan) be prepared for all public-use airports in the state to:

“protect the public health, safety, and welfare by ensuring orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible land uses.”

State law also requires local land use plans and individual development proposals to be consistent with policies set forth in Compatibility Plans. Compatibility Plans must have 20-year horizons, taking into consideration regional growth projections and future airport expansion plans that would increase airport activity and associated impacts. Compatibility Plans are tailored to each airport’s specific land use impacts and issues. The statutes also require that local jurisdictions preparing Compatibility Plans “rely upon” the compatibility guidance provided by the California *Airport Land Use Planning Handbook* published by the California Department of Transportation (Caltrans), Division of Aeronautics in January 2002.

Five-Step Compatibility Planning Process

The development of the ~~LA~~ *Ontario International Airport Land Use Compatibility Plan* followed this five-step process.

➔ **Step 1: Initiate Process and Gather Data**

Conduct preliminary work needed to initiate the compatibility planning process such as identifying the responsibilities of the City of Ontario in preparing the *Compatibility Plan*, gathering pertinent airport data such as an airport master plan or airport layout plan, and identifying/notifying the different stakeholders.

➔ **Step 2: Delineate the Airport Influence Area**

Define the areas that need to be considered for airport land use compatibility planning by examining the four factors of compatibility that include safety, noise, airspace protection and overflight consistent with the California *Airport Land Use Planning Handbook (Handbook)*.

➔ **Step 3: Identify Compatibility Concerns**

Examine the level of compatibility in the community by evaluating existing land uses and land use plans against compatibility concerns.

➔ **Step 4: Develop Compatibility Policies**

Examine the various policies and regulatory documents available (e.g. California *Handbook*, Public Utilities Code, FAA guidance) to guide in the development of compatibility policies that will be part of the airport land use compatibility plan.

→ Step 5: Establish Implementation Strategies

Identify and adopt strategies for implementing the compatibility plan, making local land use plans consistent with the *Compatibility Plan* and processing consistency reviews of future development proposals.

THE ONT COMPATIBILITY PLAN

Function of the Compatibility Plan

The basic function of the *Compatibility Plan* for ~~LA~~/Ontario International Airport (ONT) is to promote compatibility between ONT and the land uses that surround it. As required by state law, the *Compatibility Plan* provides guidance to affected local jurisdictions with regard to airport land use compatibility matters involving ONT. The *Compatibility Plan* is separate and distinct from the jurisdictions' other land use policy documents—their general plans, specific plans, and zoning ordinances—yet all of the documents are expected to be made consistent with each other through incorporation of the compatibility policies into their land use policy documents.

The main objective of the *Compatibility Plan* is to avoid future compatibility conflicts rather than to remedy existing incompatibilities. Also, the *Compatibility Plan* is aimed at addressing future land uses and development, not airport activity. The *Compatibility Plan* does not place any restrictions on the present and future role, configuration, or use of the airport.

Airport Influence Area

The central component of this *Compatibility Plan* is the set of procedural and compatibility policies outlined in Chapter 2. These policies set limits on future land uses and development near the airport in response to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The geographic extent of these four types of impacts together constitutes the ONT Airport Influence Area (AIA). The ONT AIA encompasses lands within parts of San Bernardino, Riverside and Los Angeles Counties. However, this *Compatibility Plan* applies only to jurisdictions within San Bernardino County; specifically, the County of San Bernardino and the Cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, and Upland, together with any special district, community college district, or school district that exists or may be established or expanded into the AIA. The *Compatibility Plan* does not apply to state-owned, federal or tribal lands.

Note: The compatibility policies set forth herein, specifically in Chapter 2, are relevant to Los Angeles and Riverside County jurisdictions and Los Angeles and Riverside County Airport Land Use Commissions. These agencies are encouraged to adopt these policies for their portions of the ONT AIA, but are not required to.

The *Compatibility Plan* has been prepared in coordination with the applicable jurisdictions listed above and representatives of Caltrans Division of Aeronautics and the Federal Aviation Administration (FAA) Los Angeles Airports District Office.

Effective Date and Adoption of the Compatibility Plan

The provisions of the *Compatibility Plan* will take effect upon the plan's adoption by the City of Ontario. Other affected entities within San Bernardino County have options as to how to incorporate pertinent *Compatibility Plan* provisions into their respective local plans and policies or to dispute portions of the plan, but they cannot simply opt out of the process (Public Utilities Code Section 21670.1 (c)).

THE “ALTERNATIVE PROCESS”

State Law Requirements

In most counties, the responsibility for the preparation and adoption of compatibility plans falls to the county airport land use commission (ALUC). State law also provides for what is generally referred to as an “Alternative Process” wherein a county does not have to form an ALUC and the required compatibility planning responsibilities fall to local jurisdictions. San Bernardino County and its cities elected to follow the Alternative Process when this option became available as a result of the 1994 legislation (Assembly Bill 2831).

Specific requirements for implementation of the Alternative Process are set forth in Public Utilities Code Section 21670.1(c)(2) as follows:

“...[the] county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

- (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
- (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
- (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
- (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.
- (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.”

Paragraph (3) of Section 21670.1(c) goes on to say that:

“The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

- (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
- (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
- (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.”

San Bernardino County Alternative Process

Use of the Alternative Process within San Bernardino County was established in 1995 by resolutions of the County Board of Supervisors and the city councils of cities affected by airports. Specifically the Ontario City Council adopted the Alternative Process through Resolution No. 95-34 utilizing the Airport Environs Section of the General Plan as the basis for airport land use compatibility planning (see Appendix F). The California Division of Aeronautics approved the San Bernardino County

Alternative Process in 1996. The approval of the Alternative Process designated the City of Ontario as the local jurisdiction responsible for leading the compatibility planning process for ONT.

The policies in Chapter 2 of this *Compatibility Plan* clarify and amend the process previously established by Ontario City Council Resolution No. 95-34 to include participation by the other agencies within San Bernardino County having jurisdiction over portions of the AIA established by this *Compatibility Plan*. Participation by these agencies will be accomplished through the ONT Inter-Agency Notification Process and creation of a Mediation Board. The roles and responsibilities of the participating agencies and the Mediation Board are described in Chapter 2. The matrix below identifies the jurisdictions/entities that may be subject to the ONT Alternative Process.

METHODOLOGY FOR CREATING THE ONT COMPATIBILITY PLAN

State law (Public Utilities Code Section 21675(a)) dictates that airport land use compatibility plans be based upon an Airport Master Plan (AMP) or an Airport Layout Plan (ALP). Where an AMP is not available or is outdated, an ALP drawing can serve as the basis for compatibility planning, subject to the approval of the California Division of Aeronautics. An ALP is a drawing showing existing facilities and planned improvements. A typical AMP includes an ALP, but also provides textual background data, a discussion of forecasts, and an examination of alternatives along with detailed description of the proposed development. ALP's and AMP's are prepared for and adopted by the entity that owns and/or operates the airport. Most large, publicly owned airports have an AMP, but many smaller or private airports do not.

Applicability Matrix	San Bernardino County ¹	Riverside County ²	Los Angeles County	Federal Agencies	Native American Tribes	Special Entities ³ of San Bernardino County
Required	x					x
Informational		x	x	x	x	

¹ The Cities within San Bernardino County that are required to participate in the Alternative Process include: Ontario, Rancho Cucamonga, Chino, Montclair, Fontana and Upland.

² The County of Riverside having unincorporated lands within the noise impacted areas of ~~LA~~Ontario International Airport has elected to participate in the compatibility planning process for the Airport on a discretionary basis.

³ See definition for "Special Entity" on page 1-9 of this Chapter.

ONT Master Plan Status

ONT has never had an adopted AMP that can serve as the basis for this *Compatibility Plan*. In 2002, Los Angeles World Airports (LAWA) initiated a master planning effort for ONT. A tentative proposal of the AMP involved reconfiguration of the runway system, shifting both runways south and east of their present positions. This reconfiguration ~~is~~was regarded necessary to enable the runway system to accommodate the volume of aircraft operations associated with the numbers of airline passengers and air cargo expected to use the airport by 2030. Before the new AMP could be completed and adopted, however, the nationwide economic downturn, coupled with local factors, resulted in a substantial decline in activity at ONT. With this decline, the urgency for completion of the AMP largely disappeared and, consequently, LAWA suspended work on the plan development in late 2008.

In August 2012 the City of Ontario and San Bernardino County formed the Ontario International Airport Authority (OIAA) by enacting a Joint Powers Agreement. The OIAA provides overall direction for the management, operations, development and marketing of ONT. The final transfer of ONT from LAWA to OIAA was approved in late 2016. OIAA has since reevaluated LAWA's proposal for

~~separating and lengthening the runways and runway modifications as unnecessary and requested the ONT ALUCP be based on the FAA approved 2018 ALP (see Exhibit 1-5 and 1-6).~~

~~Planning for Future Runway Modifications~~

~~The discontinuation of the ONT AMP efforts left the compatibility planning project without a clearly defined AMP to use as its basis. Without an AMP, the *Compatibility Plan* could be based on the existing runway configuration or the modified configuration that was developed as part of LAWA’s master planning efforts. Both LAWA and the City of Ontario expect the new AMP to eventually move forward with a modified runway system either as indicated on the internal draft plan or similar to it. Not considering the modified runways in the *Compatibility Plan* could potentially enable new development to occur in a manner that would be in conflict with the future airport configuration. Meanwhile, the existing runways also need to be protected until such time as they are no longer in use. Accounting for dual sets of runways in the *Compatibility Plan* makes the plan more complicated, but it is the approach that provides the best assurance of compatibility between the airport and new land use development, both in the near and long terms. Representatives of the California Division of Aeronautics, Federal Aviation Administration (FAA), LAWA and City of Ontario are in concurrence with this approach.~~

~~Therefore, for the purposes of this *Compatibility Plan*, a Simplified Airport Diagram of the airport layout has been prepared emphasizing the features having implications for land use compatibility in both the near and long term. The Simplified Airport Diagram takes into account both the existing and anticipated ultimate configurations of the runway system, runway protection zones (RPZ), setback requirements lateral to the runways and the airport property boundary. In accordance with state law, the Simplified Airport Diagram has been approved by the Division of Aeronautics as the basis for this *Compatibility Plan* (see Exhibit 1-5 and 1-6).~~

Note: The Runway Protection Zones are confined within the City of Ontario.

Future and Existing Activity Forecasts

The activity forecasts LAWA generated prior to the discontinuation of the AMP, explored several possible scenarios that the airport could experience. The *Compatibility Plan* is specifically focusing on ~~two ultimate forecasts that were prepared. The~~the “no project” and “proposed project” scenarios, as defined in the preliminary ONT AMP, ~~represent the two levels of airport activity which could potentially be seen by 2030 depending on the ultimate configuration of the airport.~~

The “no project” forecast assumes that the airport configuration would remain as it is today. This lack of airfield change would limit the airport to approximately 343,000 annual aircraft operations. The preliminary ONT AMP anticipated that this level of demand would be reached by 2030.

~~The “proposed project” forecast is based on the ultimate reconfiguration of the airport. In this configuration, the airfield will be able to accommodate approximately 465,000 operations. This forecast assumes roughly 33.4 million passengers and 3.26 million tons of air cargo enplaned and deplaned annually. The forecast of 33.4 million passengers is based on the assumption that any terminal expansion would be restricted to the north side of the airport provided that the airfield is capable of accommodating it.~~

~~It is important to note that t~~The 3.26 million tons of air cargo expected within the planning period includes both the off-airport United Parcel Service (UPS) activity, and the 1.6 million tons of air cargo served by the on-airport cargo facilities. UPS maintains a large sorting facility south of the airport with a through-the-fence access point. The UPS aircraft land and take off on the ONT runways but UPS cargo is loaded and unloaded at the private UPS site.

Future and Existing Airfield Configurations

The airport's present runway system consists of two parallel runways (8L/26R and 8R/26L) oriented east and west. Runway 8L-26R is 12,200 feet in length, while Runway 8R-26L is 10,200 feet long. Runway 8L has a displaced threshold of 997 feet. Both runways are equipped with High-Intensity Runway Lights (HIRLs) and centerline lights. All runway ends are served by straight-in instrument approaches. Runway 26L has the lowest approach minimums with a straight-in ILS approach having a 200 foot vertical ceiling. The airport is served by an air traffic control tower which operates twenty-four hours a day.

The only published noise abatement procedure for the airport requires Runway 8L for departures and Runway 26L for arrivals between 10:00 p.m. and 7:00 a.m. when weather conditions permit. This noise abatement procedure is also known as a contra-flow. The contra-flow procedures are aimed at reducing the number of nighttime overflights of the residential neighborhoods west of the airport.

The most recent official ONT ALP drawing is one dated ~~February 17, 2009~~ March 7, 2018. ~~LAWA has submitted this ALP to the Federal Aviation Administration (FAA) and it is pending approval.~~ It shows the runway system in its existing configuration. Also, all runway ends, except Runway 8L, are shown having the largest size of runway protection zone (RPZ); specifically, 2,500 feet long, 1,000 feet inner width, and 1,750 feet outer width. This size RPZ is associated with a runway having approach visibility minimums lower than $\frac{3}{4}$ mile and capable of serving all sizes of aircraft. The existing ALP also shows two RPZs west of the Runway 8L threshold. The approach RPZ begins 200 feet from the landing threshold and is 2,500 feet long, with a 1,000 foot inner width, and a 1,750 foot outer width. The departure RPZ begins 200 feet from the physical end of the runway and is 1,700 feet long, with a 500 foot inner width, and a 1,010 foot outer width.

~~An ALP showing the future runway configuration was part of the discontinued AMP. That drawing, which shows both runways being shifted south and east of their current alignments, has been made available for the compatibility planning project, and a conceptual version was made public through a Notice of Preparation of a Draft Environmental Impact Report for the discontinued ONT AMP. The relocated runway position provides a separation of 800 feet between the two runways, compared to 700 feet currently. This increased separation and southward shift will allow for the construction of dual taxiways on the north and a center taxiway between the two runways. The additional taxiway on the north and a center taxiway would aid in circulation and efficiency. These facilities will allow the airport to accommodate the forecast increase in operations without significant delays. Additionally, all four runway ends would have precision instrument approach capabilities and the ALP shows the RPZs accordingly.~~

Note: FAA recommends placing Building Restriction Lines (BRLs) on ALPs to identify suitable building area locations on airports. (FAA Advisory Circular 150/5300-13, Section 210). The BRL shown on the Simplified Airport Diagram (Exhibit 1.6) identifies the approximate locations where buildings of 35 feet in height or taller would be suitable based on FAR Part 77, Subpart C, criteria. The BRL does not account for the topography of the site and, thus, is depicted for informational purposes only and does not constitute ALUCP policy.

LAND USE PLAN CONSISTENCY

State Law Requirements

General Plans and Specific Plans must be made consistent with adopted airport compatibility plans. Several sections of state law establish the relationship between Airport Land Use Compatibility Plans and county and city General and Specific Plans. In particular, Government Code Section 65302.3 requires that General Plans and any applicable Specific Plans “shall be consistent with” the

Compatibility Plan. This requirement is reiterated in local agencies' obligations under the Alternative Process (Public Utilities Code Section 21670.1(c)(2)(D)).

A second point to emphasize is that the consistency requirement pertains only to future land use development. Nothing in state law or the *Compatibility Plan* requires that already existing development be removed or modified to eliminate incompatibilities that may already exist. Furthermore, General Plans and Specific Plans can show such land uses as continuing even though they would be nonconforming with the *Compatibility Plan* criteria. Conflicts of this type do not constitute inconsistencies between a General Plan or Specific Plan and the *Compatibility Plan*.

Consistency Options

General Plans do not need to be identical with Compatibility Plans in order to achieve consistency with them a General Plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with the Compatibility Plan development policies and criteria.

Compatibility planning issues can be reflected in a General Plan in one, or a combination, of several ways:

- ➔ **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing General Plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures necessary to ensure compliance with compatibility criteria could be fully incorporated into the local jurisdiction's General Plan.
- ➔ **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the General Plan. Such a format may be advantageous when the community's General Plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross-referencing and eliminate conflicts would still be necessary.
- ➔ **Adopt Compatibility Plan as Standalone Document**—A jurisdiction selecting this option would simply adopt as a local policy document the relevant portions of the compatibility plan—specifically, the policies and maps. Applicable background information could be included as well if desired. Changes to the community's existing General Plan would be minimal. Policy reference to the *Compatibility Plan* would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the General Plan, but the substance of most compatibility policies would appear only in the stand-alone document.
- ➔ **Adopt an Airport Overlay Zone**—Affected jurisdictions can adopt an airport overlay zone for the areas of impact and make reference to them within their respective General Plans or Specific Plans. The airport overlay zone would act as added layer of standards/restrictions over the existing zoning land use designation. Other than where direct conflicts need to be eliminated from the local plans, implementation of procedural and compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the General Plan could be as simple as mentioning support for the compatibility planning process indicated in the compatibility plan and stating that policy implementation is by means of

the overlay zone. (An outline of topics which could be addressed in an airport overlay zone is included in Appendix E.)

BACKGROUND INFORMATION

This *Compatibility Plan* is a stand-alone document that addresses airport land use compatibility issues for ONT. Although, this is the first stand-alone document created, the City of Ontario performed airport compatibility planning for the areas around ONT by implementing policies of the 1992 General Plan, Airport Environs Section. The City of Ontario's ~~newly adopted~~ 2010 General Plan refers to this *Compatibility Plan* for guidance on compatibility planning matters.

Definitions for this Compatibility Plan

1. **Action:** A proposed General Plan, Specific Plan, policy document, or individual development project subject to review under the ONT Alternative Process defined in this chapter. Also, an airport master plan, airport layout plan, and certain types of airport improvements proposed by ~~LAWA-OIAA~~ for ONT which would require amendment of the Airport Permit.
2. **Aeronautics Act:** Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility planning.
3. **Affected Agency:** Any county, city, or special district having lands within the ONT Airport Influence Area (AIA). Consistent with state law, each county within the State of California is responsible for its own airport land use compatibility planning efforts. Thus, the policies of this *Compatibility Plan* apply only to the affected agencies of San Bernardino County. However, since the AIA extends beyond the limits of San Bernardino County, information about the airport impacts extending into Riverside and Los Angeles Counties is provided for informational purposes. That is, the affected agencies of Riverside and Los Angeles Counties may use the information and compatibility policies provided herein at their discretion.
 - (a) **Affected Agencies in San Bernardino County:**
 - ➔ Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, and Upland.
 - ➔ San Bernardino County, as the jurisdiction having control over unincorporated San Bernardino County lands within the AIA.
 - ➔ ~~Los Angeles World Airports (LAWA), a department of the City of Los Angeles, as Ontario International Airport Authority (OIAA),~~ the owner and operator of ~~LA~~/Ontario International Airport.
 - ➔ Special entities including school districts, community college districts, and special districts whose boundaries include lands within the San Bernardino County portion of the AIA.
 - (b) **Affected Agencies outside San Bernardino County:**
 - ➔ Riverside County, as the jurisdiction having control over unincorporated Riverside County lands within the AIA.

- The City of Eastvale and any future city that may be incorporated within the affected portion of Riverside County.
 - Riverside County Airport Land Use Commission.
 - Cities of Pomona and Claremont, each of which has jurisdiction over portions of the AIA within Los Angeles County.
 - The Los Angeles County Airport Land Use Commission.
4. **Airport:** ~~LA/~~Ontario International Airport (ONT), a commercial airport in the City of Ontario that is owned and operated by Ontario International Airport Authority (OIAA)~~Los Angeles World Airports (LAWA)~~.
 5. **Airport Influence Area (AIA):** An area, as delineated in **Map 2-1** (see Chapter 2), in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restriction on those uses.
 6. **Aviation-Related Use:** Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration (FAA), together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
 7. **Alternative Process:** State law provides for what is generally known as the “Alternative Process” wherein counties do not have to form an Airport Land Use Commission (ALUC). Instead, the County and affected cities having jurisdiction over an airport are responsible for compatibility planning efforts.
 8. **Compatibility Plan:** This document, the ~~LA/~~*Ontario International Airport Land Use Compatibility Plan*.
 9. **Local Jurisdiction:** Any county or city within the ONT AIA.
 10. **Major Land Use Action:** Actions related to proposed land uses for which compatibility with airport activity is a particular concern. These types of actions are listed in Table 2-1 of Chapter 2. Minor actions (e.g., ministerial acts) are not subject to compatibility reviews.
 11. **Special Entity:** Special districts, school districts, and community college districts owning property or having boundaries within the San Bernardino County portions of the Airport Influence Area.

Table and Map Descriptions

The exhibits at the end of this chapter illustrate the different compatibility factors and other data which were used to evaluate and guide the creation of the ONT compatibility policies and maps that are part of Chapter 2.

Table Descriptions

- **Airport History & Development Summary — Exhibit 1-1** provides a historical timeline of airport events and facility improvements.
- **Airport Features Summary — Exhibit 1-2** provides a tabular summary of the airfield features at ONT.

- **Airport Activity Data Summary** — **Exhibit 1-3** summarizes future “no project” ~~and “proposed project”~~ aircraft activity data as developed by LAWA for the discontinued AMP.
- **Airport Environs Information** — **Exhibit 1-4** provides a summary of land use policies for neighboring jurisdictions, as well as the status of local plans.
- ~~**Simplified Airport Diagram Acceptance OIAA ALP Update Letter**~~ — **Exhibit 1-5** ~~provides a copy of the acceptance letter issued by the California Division of Aeronautics regarding the Simplified Airport Diagram which was approved on July 21, 2009 OIAA letter requesting the ONT ALUCP be based on the 2018 FAA approved ALP.~~

Map Descriptions

- ~~**Simplified Airport Diagram ONT ALP**~~ — **Exhibit 1-6** is the ~~simplified airport diagram which shows the airfield area highlighting the existing and future runway configuration, Runway Protection Zone (RPZ) and airport property. The simplified airport diagram was accepted by California Division of Aeronautics in July of 2009~~ ONT 2018 FAA approved Airport Layout Plan.
- **Runway Protection Zones: West** — The ~~Los Angeles World Airports (LAWA)~~ OIAA employs the use of approach/departure RPZs for Runway 8L. However, the Federal Aviation Administration’s (FAA’s) standard RPZ for runways with instrument approach minimums of less than ¾ mile is larger and would extend further beyond the airport property. The FAA’s standard RPZ (1,000 feet inner width by 2,500 feet length by 1,750 feet outer width) would begin 200 feet beyond the west end of Runway 8L. **Exhibit 1-7** displays the established approach/departure RPZs for Runway 8L as depicted in ~~LAWA’s OIAA’s~~ Airport Layout Plan dated February 17, 2009 March 7, 2018. The FAA’s standard RPZ is also shown for comparative purposes.
- **Compatibility Factors: Safety** — The area of safety concern is depicted in **Exhibit 1-8** using the generic safety zones for a large air carrier runway. These safety zones are taken from the *California Airport Land Use Planning Handbook* (January 2002) published by the California Division of Aeronautics. ~~Consistent with the Handbook, Zone 1 is adjusted to match the RPZs reflected in the Simplified Airport Diagram (see Exhibit 1-6).~~
- **Compatibility Factors: Noise** — ~~Two sets of a~~ Noise contours are shown in **Exhibit 1-9**. These ~~two sets of~~ contours reflect the “no project” ~~and “proposed project”~~ activity levels of 343,100 ~~and 465,000~~ annual aircraft operations ~~respectively~~.
- **Compatibility Factors: Airspace** — Federal Aviation Regulations (FAR) Part 77 airspace surfaces for ONT are depicted in **Exhibits 1-10** *Existing Airspace*, ~~1-11~~ *Ultimate Airspace*, and ~~1-12~~ *Composite Airspace*. The height notification surface boundary is based on the combination of the existing and future runway configurations.
- **Modeled Flight Routes** — ~~Exhibit 1-13~~ 1-11 depicts the flight tracks which were modeled while creating noise contours for the airport. The flight envelope is shown to visualize the standard flight routes to and from the airport, including those that are infrequently flown.
- **Flight Track Altitudes: Arrivals and Departures** — Radar tracks by altitude and a flight track envelope are included for **Exhibits 1-14** 12 through ~~1-18~~ 16. The radar tracks shown reflect several days’ worth of aircraft operations at ONT. The radar tracks were recorded during times of normal east to west operation as well as contra-flow operations. These tracks did not, however, record many instances of west to east operations which occur when the Santa Ana

winds are blowing. The flight envelope is provided to help visualize the areas that are commonly overflowed by aircraft.

- ➔ **Existing Land Use** — The existing land uses for the areas within the vicinity of the airport are shown in **Exhibit 1-1917**.
- ➔ **General Plan Land Use: City of Ontario** — The General Plan Policy Plan was adopted in January 2010 as depicted in **Exhibit 1-2018**.
- ➔ **General Plan Land Use: Other Jurisdictions** — **Exhibit 1-21a-19a** displays the neighboring jurisdictions' adopted General Plan land use designations. The land use legends are shown in **Exhibit 1-21b-19b**.

Exhibit 1-1

Airport History and Development Summary

Situated in the southwest corner of San Bernardino County along the southern edge of the San Gabriel Mountains, ONT originated in 1923 as a dirt landing strip east of its current location serving the agricultural uses of the region. Throughout the years the airport has seen significant changes.

- In 1929, the City of Ontario purchased additional land for the airport and it became known as Ontario Municipal Airport.
- In 1942, with the escalation of World War II, two concrete runways were constructed along with an air traffic control tower and an instrument landing system.
- In 1946, in recognition of the transpacific cargo flights originating from the airport, Ontario Municipal Airport was renamed Ontario International Airport.
- During the 1950s, Lockheed, Douglas and Northrop all had facilities at the airport throughout the postwar economic boom.
- In 1967, the Los Angeles City Department of Airports co-signed a joint powers agreement with the City of Ontario and the airport became part of Los Angeles' regional airport system.
- In 1985, the City of Los Angeles became the official title holder for the airport.
- In 1998, service at the new terminal complex began.
- In 1999, the new ground transportation center opened, including six on-airport car rental companies.
- In 2006, the Runway 8L-26R reconstruction and lengthening project was completed.
- Today, the airport is managed by ~~Los Angeles World Airports (LAWA)~~ the Ontario International Airport Authority (OIAA). The airport is currently served by a multitude of airlines, including several dedicated cargo airlines. The airport frequently sees activity from all sizes of aircraft ranging from small general aviation aircraft to 747-400s.

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Exhibit 1-2

Airport Features
GENERAL INFORMATION

- **Airport Ownership:**
 - Los Angeles World Airports (LAWA)
- **Year Opened as Public-Use Airport:** 1929 current location; 1923 landing strip east of current location
- **Property Size:**
 - 1,741 acres
- **Airport Classification:** Commercial Service - Primary
- **Airport Elevation:** 944 ft. MSL

AIRPORT PLANNING DOCUMENTS

- **Airport Master Plan:** none
 - Planning effort discontinued December 2008
- **Airport Layout Plan Drawing:**
 - Approved ~~September 12~~ **March 7, 2018, 2003** by FAA
 - ~~Revision dated February 17, 2009 pending approval~~

RUNWAY/TAXIWAY DESIGN

(both runways except as indicated)

- **Airport Reference Code:** D-V
- **Critical Aircraft:** Boeing 747
- **Dimensions:**
 - Runway 8L-26R: 12,200 ft. long, 150 ft. wide
 - Runway 8R-26L: 10,200 ft. long, 150 ft. wide
- **Pavement Strength** (main landing gear configuration):
 - 30,000+ lbs. (single wheel)
 - 200,000 lbs. (dual wheel)
 - 560,000 lbs. (dual-tandem wheel)
 - 850,000 lbs. (double dual-tandem wheel)
- **Average Gradient:**
 - Runway 8L-26R: 0.2% (rising to the west)
 - Runway 8R-26L: 0.1% (rising to the west)
- **Runway Lighting:**
 - High-Intensity Runway Lights (HIRL)
 - Centerline Lights
- **Primary Taxiways:**
 - Full-length parallel Taxiway N on north side
 - Full-length parallel Taxiway S on south side
 - Partial parallel Taxiway M between runways

BUILDING AREA

- **Terminal Area:**
 - North side of airfield
- **General Aviation:**
 - Southwest end of airfield
- **Other Facilities:**
 - Air Traffic Control Tower (ATCT)
 - U.S. Border Patrol
 - UPS (on adjacent property)
- **Services:**
 - Fuel: 100LL, Jet A, Military Fuel (upon request)
 - Other: airfreight, avionics, cargo, charter, aircraft rental and sales

TRAFFIC PATTERNS AND APPROACH PROCEDURES

- **Airplane Traffic Patterns:**
 - Runways 8R and 26R: Right traffic
 - Runways 8L and 26L: Left traffic
- **Typical Pattern altitude:**
 - 2,000 ft. MSL
 - Large aircraft 2,500 ft. MSL
- **Instrument Approach Procedures** (lowest minimums):
 - Runway 8L (ILS):
 - Straight-in: 200 ft. ceiling, 2,400 ft. Runway Visual Range (RVR) (1/2 mile)
 - Runway 26R (ILS):
 - Straight-in: 200 ft. ceiling, 2,400 ft. RVR (1/2 mile)
 - Runway 8R (GPS):
 - Straight-in: 284 ft. ceiling, 5,000 ft. RVR (1 mile)
 - Runway 26L (ILS):
 - Straight-in: 200 ft. ceiling, 1,800 ft. RVR (1/3 mile)
 - Cat II and III provide lower minimums with special certification
- **Visual Approach Aids:**
 - 26R: 4-light PAPI on left
 - 8R: Pulsating/steady burning VASI on left
 - 26L: 4-light PAPI on right
- **Operational Restrictions / Noise Abatement Procedures:**
 - Chino Noise Mitigation Measures (May 15, 1991); detailed information available at City of Chino (see Exhibit 1-14)
 - Runway 8 departures and Runway 26 arrivals between 10:00 pm and 7:00 am

APPROACH PROTECTION

- **Runway Protection Zones (RPZ):**
 - Runway 8L Approach RPZ (Existing): Mostly on-airport, southwest corner off-airport
 - Runway 8L Departure RPZ (Existing): Mostly on-airport, southwest corner off-airport
 - Runway 8R (Existing): ¼ on-airport, southwest corner off-airport
 - Runway 8L (Ultimate): On-airport, future easement or property acquisition
 - Runway 8R (Ultimate): On-airport, future easement or property acquisition
 - Runways 26R & 26L (Existing & Ultimate): On airport
- **Approach Obstacles:**
 - Runway 8L (Existing): Road 600' from Runway end, 250' right of centerline, clearance slope 20:1
 - Runway 26R (Existing): Pole 2050' from Runway end, 400' right of centerline, clearance slope 46:1
 - Runway 26L (Existing): Pole 2050' from Runway end, 400' left of centerline, clearance slope 46:1

PLANNED FACILITY IMPROVEMENTS

- **Airfield:**
 - Relocate both runways south and east
 - Construct additional taxiways, including center parallel taxiway
- **Property:**
 - Easement or acquisition of remaining RPZ area

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Exhibit 1-3

Airport Activity Data Summary

AIRPORT MASTER PLAN ACTIVITY				RUNWAY USE DISTRIBUTION ^f			
	Current ^a	2030	2030 ^b		Day	Evening	Night
Aircraft Operations	152,870	N/A		Takeoffs – 2006			
465,000 ^h				All Aircraft			
Air Passengers (millions)	6.9	N/A	33.4	Runway 8L	3%	2%	41%
Air Cargo (thousand tons)	605	N/A	3,260 ^d	Runway 8R	2%	2%	41%
Total				Runway 26L	34%	44%	19%
				Runway 26R	62%	52%	0%
				Landings – 2006			
				All Aircraft			
				Runway 8L	3%	3%	2%
				Runway 8R	2%	1%	2%
				Runway 26L	40%	35%	55%
				Runway 26R	56%	61%	41%
				Takeoffs – 2030 (No Proj.)			
				All Aircraft			
				Runway 8L	2%	2%	10%
				Runway 8R	2%	2%	24%
				Runway 26L	31%	46%	32%
				Runway 26R	65%	50%	35%
				Landings – 2030 (No Proj.)			
				All Aircraft			
				Runway 8L	3%	3%	2%
				Runway 8R	1%	2%	2%
				Runway 26L	34%	40%	56%
				Runway 26R	62%	56%	40%
				Takeoffs – 2030 (Proj.)			
				All Aircraft			
				Runway 8L	2%	2%	12%
				Runway 8R	2%	2%	26%
				Runway 26L	21%	35%	27%
				Runway 26R	74%	62%	35%
				Landings – 2030 (Proj.)			
				All Aircraft			
				Runway 8L	3%	3%	2%
				Runway 8R	2%	1%	3%
				Runway 26L	27%	27%	44%
				Runway 26R	68%	69%	51%

Notes

- ^a Source: FAA Terminal Area Forecast—Operations data is consistent with LAWA information.
- ^b Source: HNTB Technical Memorandums, *Ontario International Airport Master Plan Unconstrained Forecast* (November 2005) and *LA/Ontario International Airport Facility Constraints Analysis* (December 2007) and SCAG 2008 RTP.
- ^c No Project (No Proj.)—Assumes existing runway configuration is maintained.
~~Proposed Project (Project)—Assumes reconfigured runways.~~
- ^d Air cargo tonnage includes both off-airport UPS activity and 1.6 million tons by on-airport cargo facilities.
- ^e Source: Integrated Noise Model (INM) study prepared by HNTB Corporation, June 2008. INM data does not include touch-and-go or helicopter operations. INM aircraft types manually categorized into basic aircraft categories of air carrier, air cargo, etc.
- ^f Source: HNTB Technical Memorandum, *Noise Contours for LA/ONT Environmental Impact Report* (June 2008).
- ^g Percentages may not add up to 100% due to rounding.
- ^h Annual operations rounded to the nearest thousand.

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ONT Airport Influence Area Information

AIRPORT SITE

→ Location

- Southwestern San Bernardino County
- Within city limits of Ontario
- 35 miles east of central Los Angeles
- <1 mile south of Interstate 10
- 2 miles west of Interstate 15

→ Nearby Terrain

- Airport situated on valley floor south of San Gabriel Mountains and Mt. San Antonio (10,049' MSL)

ONT AIA AFFECTED JURISDICTIONS

→ City of Ontario

- Airport within city limits of Ontario

→ Other Jurisdictions (distance from nearest point of runway to city/county limits)

- Chino 3 miles southwest
- Fontana 3 miles east
- Montclair 3 miles west
- Rancho Cucamonga 1.5 miles north
- Upland 2 miles northwest
- Unincorporated lands of San Bernardino County 4 miles east and 3 miles west
- Unincorporated lands of Riverside County 2 miles southeast

EXISTING LAND USES WITHIN ONT'S IMMEDIATE VICINITY

→ City of Ontario General Character

- Highly developed in all directions; industrial uses to south and east; residential uses to west; city center 2 miles northwest

→ Runway Approaches

- West (Runway 8): Residential and industrial uses
- East (Runway 26): Industrial and commercial uses; landfill to southeast

AFFECTED AGENCIES GENERAL PLAN STATUS

→ City of Ontario

- Ontario General Plan adopted January 2010

→ City of Chino

- General Plan adopted in July 2010

→ City of Fontana

- General Plan adopted October 2003

→ City of Montclair

- General Plan adopted in 1999

→ City of Rancho Cucamonga

- General Plan adopted May 2010

→ City of Upland

- General Plan adopted June 1982; revised in 2001
- Update in progress

→ County of San Bernardino

- General Plan adopted March 2007
- Update in progress

→ County of Riverside

- General Plan adopted October 2003
- Update in progress

GENERAL PLAN LAND USE DESIGNATIONS WITHIN AIA

→ City of Ontario

- North: Mixed-use areas allowing commercial-residential uses
- South and East: Industrial
- West: Industrial and residential

→ City of Chino

- Within CNEL 60 dB noise contour
- West: Residential

→ City of Fontana

- Within CNEL 70 - 60 dB noise contours
- East: Industrial and residential

→ City of Montclair

- Within CNEL 60 dB noise contour
- West: Commercial, industrial, and residential

→ City of Rancho Cucamonga

- Within FAR Part 77 Horizontal and Conical surfaces
- Northwest: Residential, industrial, and mixed-use

→ City of Upland

- Within FAR Part 77 Conical surface
- Northeast: Industrial, residential, and school

→ County of Riverside

- Within FAR Part 77 Horizontal and Conical surfaces & 60 dB noise contour
- Southwest: Industrial, commercial and rural desert

Exhibit 1-4

ONT Airport Influence Area Information, continued

ESTABLISHED AIRPORT COMPATIBILITY MEASURES ¹

- Ontario General Plan (2010)
 - Collaborate with all stakeholders in the preparation, update and maintenance of airport related plans. (LU5-1)
 - Coordinate with airport authorities to ensure The Ontario Plan is consistent with airport law, adopted airport plans, and airport land use compatibility plans for ONT and Chino airports. (LU5-2)
 - Work with agencies to mitigate impacts and hazards related to airport operations. (LU5-3)
 - Comply with state statutes regarding City-administered Airport Land Use Commission for ONT. (LU5-4)
 - Support and promote ONT to accommodate 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated. (LU5-5)

Simplified Airport Diagram Acceptance Letter OIAA ALP Update Letter



Ontario International Airport Administration Offices

1923 E. Avion Street, Room 100, Ontario, CA 91761

ALAN D WAPNER
President

RONALD O. LOVERAGE
Vice President

JIM W. BOWMAN
Secretary

CURT HAGMAN
Commissioner

JULIA GOUW
Commissioner

MARK A. THORPE
Chief Executive Officer

LORI D. BALLANCE
General Counsel

JEFF P. REYNOLDS
Treasurer

May 30, 2018

Scott Murphy, AICP
Development Director
City of Ontario

RE: Ontario International Airport Safety Zones

Dear Mr. Murphy,

It has come to my attention that the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP), adopted by the Ontario City Council, on April 19, 2011 contains Safety Zones that are different than the Safety Zones contained in the attached FAA Airport Layout Plan (ALP) which was approved earlier this year.

It is my understanding that the Safety Zones utilized in the ONT ALUCP reflected exploration of alternative runway configurations that appeared in a draft document prepared by LAWA in 2007-2008. This document was never adopted and did not result in changes to the FAA approved ALP.

To be in full compliance with the State Aeronautics Act, I am requesting that the City amend the ONT ALUCP to be consistent with the FAA approved ALP.

Respectfully,



We look forward to continuing to work with the City of Ontario and Mead Hunt in connection with approval of this important ALUCP. Please let us know if we can be of any additional assistance regarding this matter.

Sincerely,



RON BOLYARD
Aviation Planner

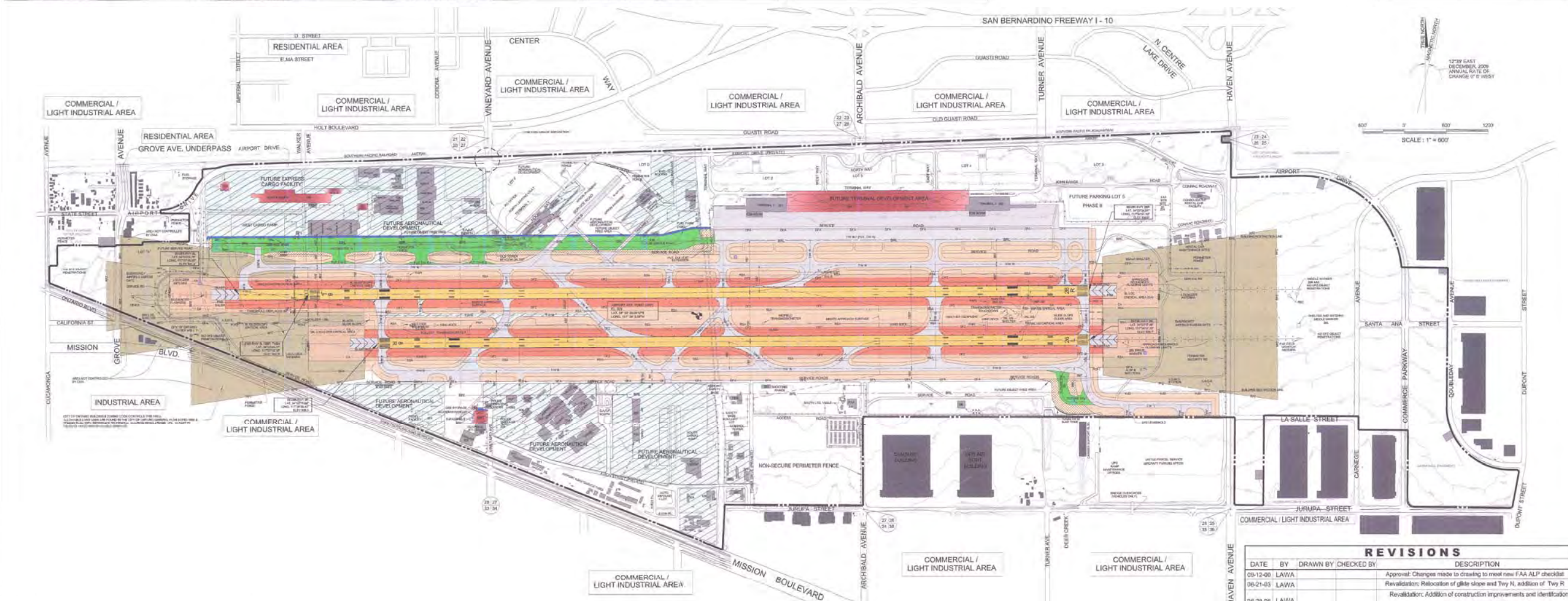
c: Fernando Yanez-FAA, Jerry Blum-City of Ontario

"Caltrans improves mobility across California"

Exhibit 1-5, ~~Simplified Airport Diagram Acceptance Letter~~, continued

EXISTING ONT FACILITIES											
No.	FACILITY	ELEV.	No.	FACILITY	ELEV.	No.	FACILITY	ELEV.	No.	FACILITY	ELEV.
102	Bldg. 21 - To Be Demolished	975	302	Guardian Hangar	950	318	Vacant - To Be Demolished	955	329	Vacant - To Be Demolished	910
103	Hangars 19, 20, 25, & 26 - To Be Demolished	1000	303	Guardian Terminal	930	317	Vacant - To Be Demolished	945	330	Vacant - To Be Demolished	910
104	Bldg. 14 Warehouse - To Be Demolished	995	304	Airport Police - To Be Demolished	922	316	Maintenance	915	331	Vacant - To Be Demolished	910
105	Building 22 - To Be Demolished	990	305	Police K-9 Kennels - To Be Demolished	922	319	CINCO - To Be Demolished	940	332	Vacant - To Be Demolished	915
106	Building 10-12 - To Be Demolished	990	306	Police Dispatch Center - To Be Demolished	935	320	JBI - To Be Demolished	930	333	Vacant - To Be Demolished	915
107	Building 15 - To Be Demolished	986	307	Aircraft Service International Group - To Be Demolished	945	321	Vacant - To Be Demolished	940	334	Vacant - To Be Demolished	915
108	Bldg 3, 5, & 6 and Hangar 2 & 4 - To Be Demolished	1000	308	Hangar - To Be Demolished	955	322	Aircraft Rescue and Firefighting	925	335	Police Shooting Range	920
	S.A.A.P. North - To Be Demolished	955	309	Vacant - To Be Demolished	950	323	Air Traffic Control Tower	975	336	FAA Facility	935
110	Building 18 - To Be Demolished	970	310	Vacant	920	324	Vacant - To Be Demolished	920	337	FAA Equipment Maintenance	900
111	PCI Office - To Be Demolished	990	311	Vacant	915	325	Vacant - To Be Demolished	920	338	FAA RTR	915
112	Baggage - To Be Demolished	955	312	Alport Administration - To Be Demolished	935	326	Vacant - To Be Demolished	920			
113	Terminal 1 - To Be Demolished	975	313	Vacant - To Be Demolished	950	327	Vacant - To Be Demolished	930			
	Old Tower - To Be Demolished	1010	314	Vacant - To Be Demolished	950	328	Vacant - To Be Demolished	915			
			315	Vacant - To Be Demolished	950						

FUTURE ONT FACILITIES		
No.	FACILITY	ELEV.
118	Future Express Cargo Building 31	1005
120	Future Express Cargo Sort Facility	1000
121	Future Express Cargo Building 32	1000
122	Future Express Cargo Building 33	995
	Future Terminal Development	985
207	Terminal 3	985
338	Guardian Hangar	950
340	Guardian GSE Storage	915



ONTARIO INTERNATIONAL AIRPORT

REVISIONS				
DATE	BY	DRAWN BY	CHECKED BY	DESCRIPTION
09-12-00	LAWA			Approval: Changes made to drawing to meet new FAA ALP checklist
06-21-03	LAWA			Revalidation: Relocation of glider slope and Twy R, addition of Twy R
08-28-06	LAWA			Revalidation: Addition of construction improvements and identification of future airport projects
12-05-06	LAWA			Revalidation: Based on LAWA email dated 11/28/06 with summary listing 12 changes to the ALP, i.e. airport boundary, Twy R modifications
3-2-10	LAWA			Revalidation: Consolidation of data, addition of facilities listing, and future air cargo complex (Drawing No. 20090012-000)
12-16-15	LAWA			Revalidation: Existing changes in the airport and improvements
11-01-18	OIAA	JAN	CSM	Revalidation: Change of Ownership
02-14-17	OIAA	JAN	CSM	Added future Taxiway 05 and V. Taxiway W W1 W0 W3 change to Y1,Y2,Y3 at UPS apron
01-12-16	OIAA	SAS	CSM	Added: Future aeromedical development areas, future terminal development area, future express cargo facility, future Guardian Jet Center hangar, future Twys A, C, E-1, E-2, To Be Demolished, Twys D connector, E and M, aircraft facilities. Updated signatory Data Sheet: Added Taxiway Data Table, updated Runway Data Table.

EXISTING LEGEND	
ITEM	EXISTING
ROAD	
AIRPORT BOUNDARY	
BUILDING	
SURVEY MONUMENT	
WIND SOCK	
LOCALIZER	
LEASE LINE	
PERMETER FENCE	
RUNWAY, TAXIWAY	
GROUND ELEVATION CONTOUR	
AIRPORT REFERENCE POINT (ARP)	
RUNWAY EDGE LIGHT	
APPROACH LIGHT	

FUTURE LEGEND	
ITEM	FUTURE
BUILDING	
OBJECT FREE AREA (OFA)	
RUNWAY, TAXIWAY	
PAVEMENT AND BUILDING DEMOLITION AND FUTURE AERONAUTICAL DEVELOPMENT	
ROAD	

FAA APPROVAL
 Approved conditionally **MAR 07 2018**
 Subject to comments contained in our letter dated **MAR 07 2018**
 FEDERAL AVIATION ADMINISTRATION
 Western-Pacific Region
 By:
 Mark LAXADO

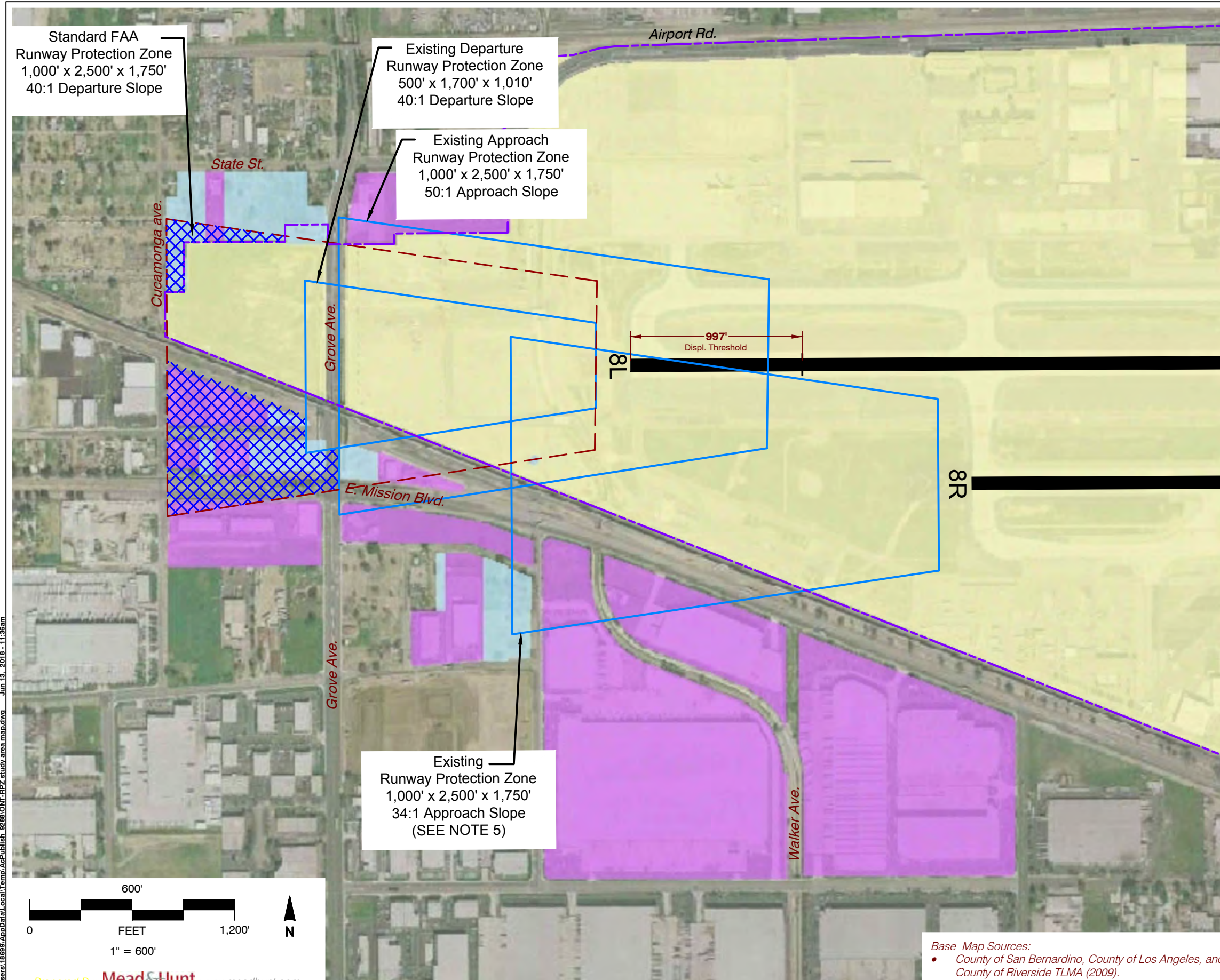
Ontario International Airport Authority
EXISTING AIRPORT LAYOUT PLAN
AIRPORT LAYOUT PLAN
 ONTARIO INTERNATIONAL AIRPORT

Submitted and Approved By:
 KEITH J. OWENS, P.E., ENGINEERING MANAGER

Checked:
 TB/CK

Scale: 1"=600'
 Date: 11/01/16
 Sheet: 2 OF 3
 Drawing No.: 20150049

THE CONTENTS OF THIS PLAN DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FEDERAL AVIATION ADMINISTRATION (FAA). ACCEPTANCE OF THIS DOCUMENT BY THE FAA DOES NOT BLAUNTLY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED HEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE BY ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.



LEGEND

Boundary Lines

- Airport Property Line
- Parcels
- Existing Runway Runway 8L-26R
- Existing Runway Protection Zone
- Standard FAA Runway Protection Zone

Property Ownership

- OIAA
- City of Ontario
- Private

NOTES

1. City of Ontario building & zoning code controls this area. Allowable land uses are found in the City of Ontario General Plan, dated 2010 and Development Code with reference to Federal Aviation Regulations, Vol. XI Part 77 Objects Affecting Navigable Airspace.
2. The Ontario International Airport Authority (OIAA) employs the use of approach/departure RPZs for Runway 8L. The Federal Aviation Administration's (FAA's) standard RPZ for runways with instrument approach minimums of less than 3/4 mile is larger and extends further beyond the airport property. The FAA's standard RPZ (1,000 feet inner width by 2,500 feet length by 1,750 feet outer width) begins 200 feet beyond the west end of Runway 8L.



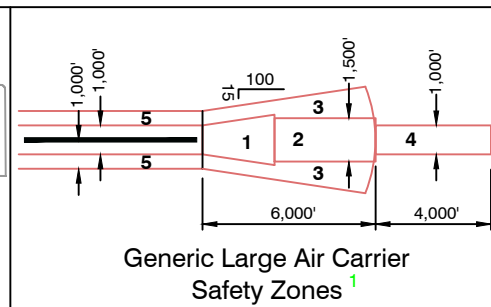
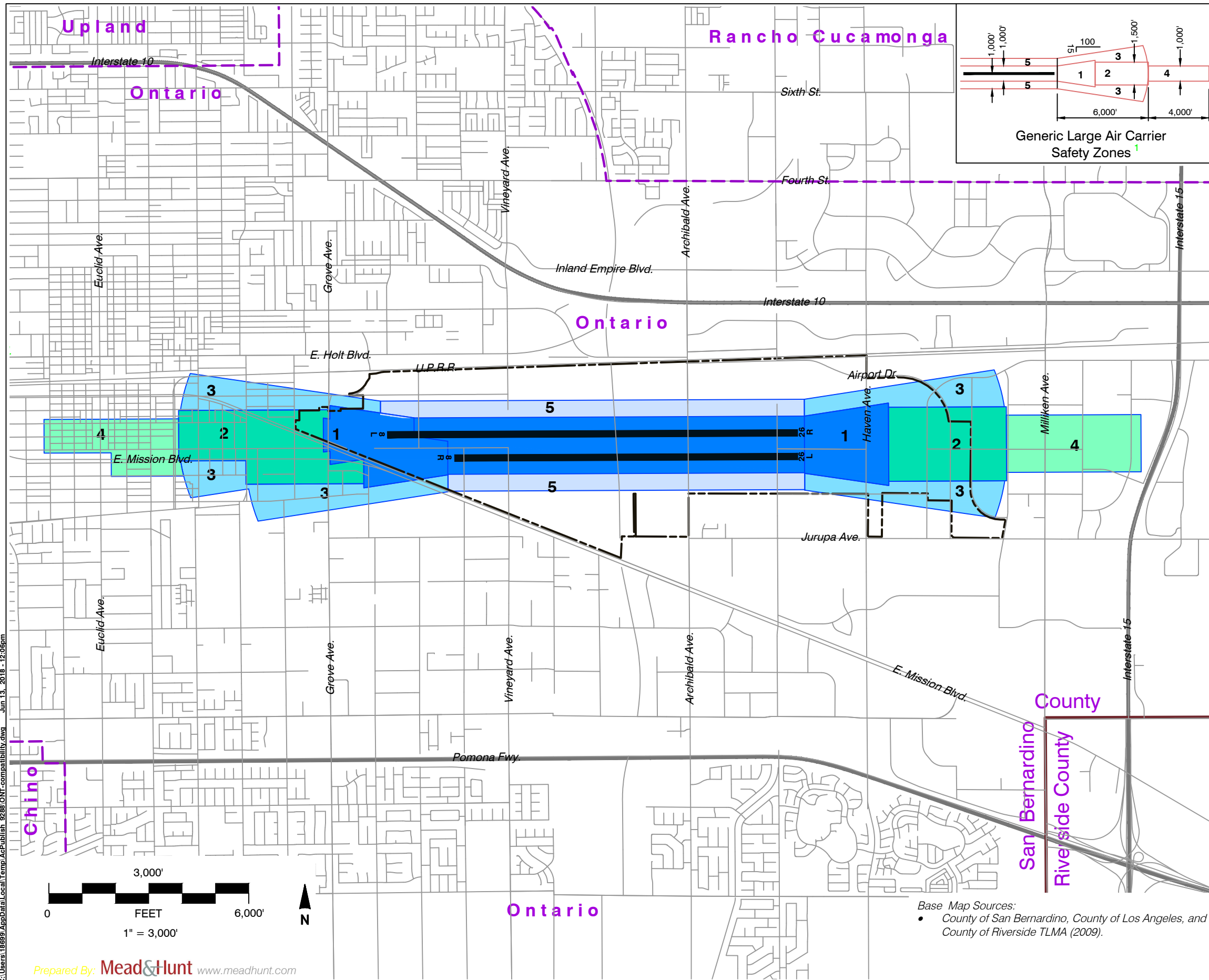
Ontario International Airport
Land Use Compatibility Plan
(July 2018 Amendment)

Exhibit 1-7

Runway Protection Zone
West

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Prepared By: **Mead&Hunt** www.meadhunt.com



Legend

- Boundary Lines**
- Airport Property Line
 - County Line
 - City Limits
 - Street
 - Existing Runways Runway 8L-26R

Safety Zones

- No Project ²
- Zone 1
 - Zone 2
 - Zone 3
 - Zone 4
 - Zone 5

Notes

1. Generic Large Air Carrier Safety Zones source: California Airport Land Use Planning Handbook (January 2002). The generic safety zones translate nationwide aircraft accident distribution pattern data into a set of distinct zones with regular geometric shapes and sizes. These safety zones are shown for both the existing and ultimate runway configurations.
2. The "No Project" forecast assumes that aircraft activity would be constrained due to the current airfield configuration.
3. Adjusted Zone 1 to match runway protection zones (RPZ) as follows:

Existing Runway 8L Approach: 1,000' x 2,500' x 1,750'	} RPZ begins 200' from displaced threshold
Runway 8L Departure: 500' x 1,700' x 1,010'	
Runway 26R: 1,000' x 2,500' x 1,750'	} RPZ begins 200' from runway ends
Runway 8R: 1,000' x 2,500' x 1,750'	
Runway 26L: 1,000' x 2,500' x 1,750'	



**Ontario International Airport
Land Use Compatibility Plan
July 2018 Amendment**

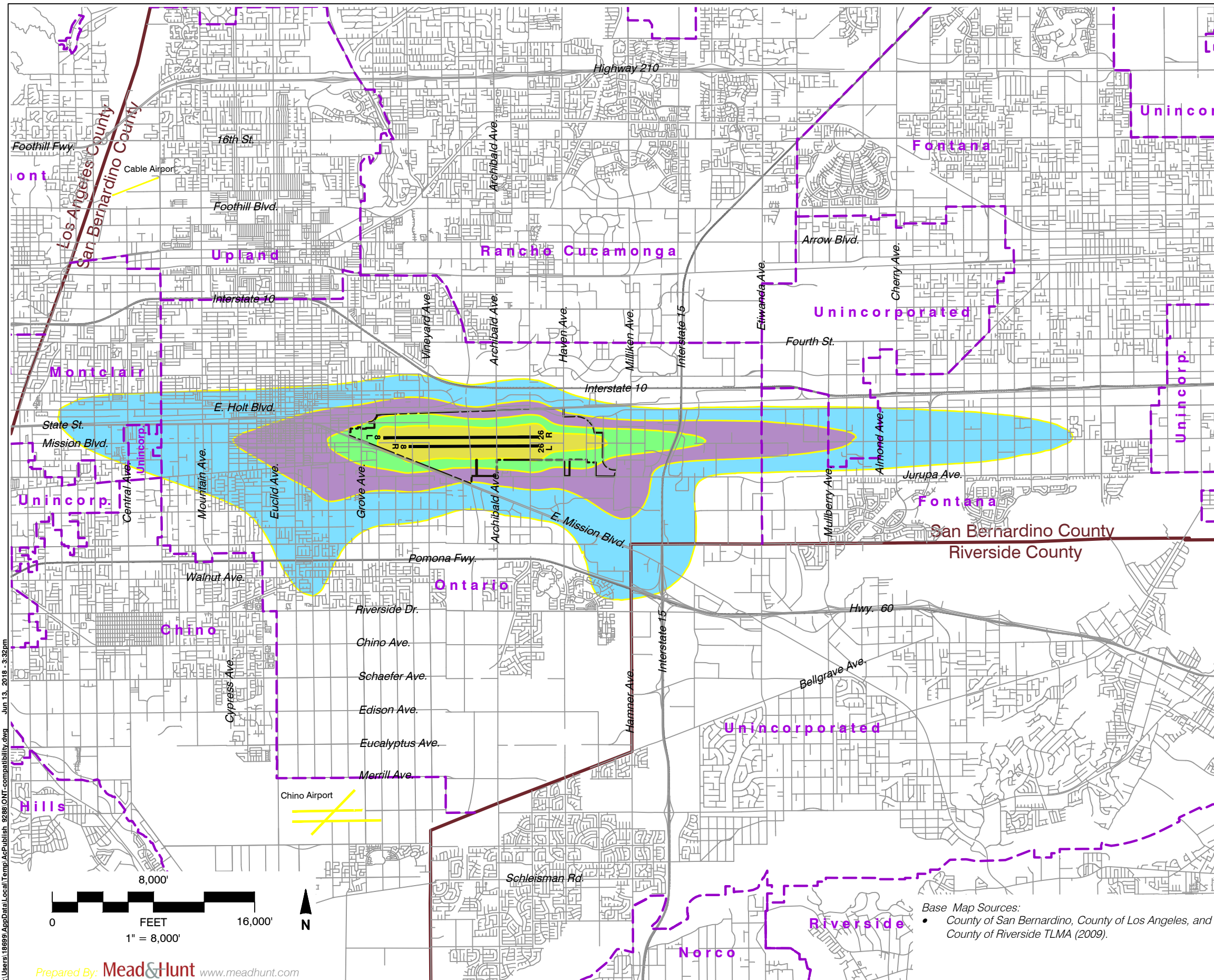
Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

Exhibit 1-8

**Compatibility Factors:
Safety**

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Prepared By: **Mead&Hunt** www.meadhunt.com



Legend

- Boundary Lines**
- Airport Property Line
 - County Line
 - - - City Limits
 - Street
 - Existing Runways } Runway 8L-26R
Runway 8R-26L

- No Project Noise Contours¹**
- 60-65 dB CNEL
 - 65-70 dB CNEL
 - 70-75 dB CNEL
 - 75-80 dB CNEL
- 343,000 Annual Operations²

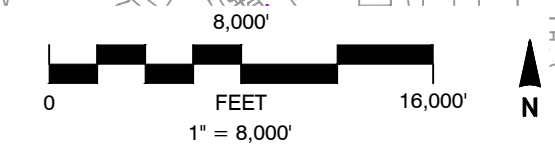
Notes

1. Source: HNTB Technical Memorandum to LAWA, *Noise Contours for LA/ONT Environmental Impact Report* (June 13, 2008).
2. The "No Project" forecast assumes that aircraft activity would be constrained due to the current airfield configuration. The "Proposed Project" forecast is based on the ultimate reconfiguration of the airport - both runways shifting south and east of their current alignments. Annual operations rounded to nearest thousand.



**Ontario International Airport
Land Use Compatibility Plan
July 2018 Amendment**

Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

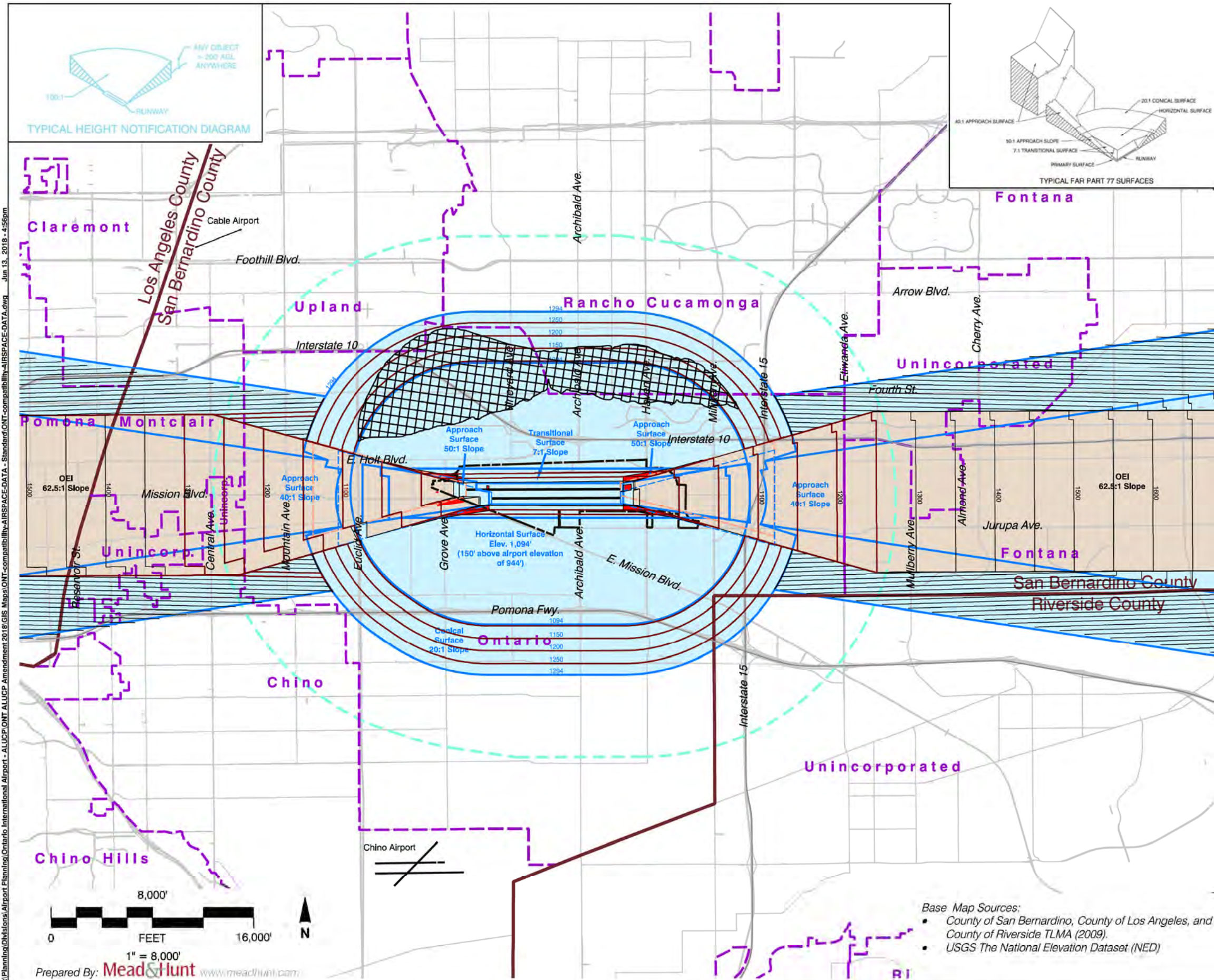


Prepared By: **Mead&Hunt** www.meadhunt.com

Exhibit 1-9

**Compatibility Factors:
Noise**

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Legend

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways { Runway 8L-26R
Runway 8R-26L

Airspace Surfaces

- FAA Height Notification Surface (Composite)
- FAR Part 77 Surfaces (No Project)
- Controlling FAR Part 77 Surfaces
- Controlling OEI Surface
- Controlling TERPS Surface
- High Terrain Area³

Notes

1. Based on FAR Part 77, Subpart B, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) for a distance of 20,000 feet from the nearest point of any runway. Beyond FAA Height Notification Area boundary, any object taller than 200 feet requires FAA notification.
2. FAR Part 77 Obstruction Surfaces: Based on FAR Part 77, Subpart C, which establishes standards for determining obstructions to air navigation.
3. High Terrain Area include areas where terrain is within 70 feet of the horizontal and conical airspace surfaces.
4. Airspace surfaces reflect the existing runway configuration (no project) and precision approaches to all runway ends.
5. Existing airport elevation is 944.0' above mean sea level (MSL).
6. Source: Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace; the United States Standard for Terminal Instrument Procedures (TERPS), and One-Engine Inoperative (OEI) obstacle identification surface published by the Federal Aviation Administration (FAA) in Advisory Circular 150/5300-13, Change 15.



**LA/Ontario International Airport
Land Use Compatibility Plan
July 2018 Amendment**

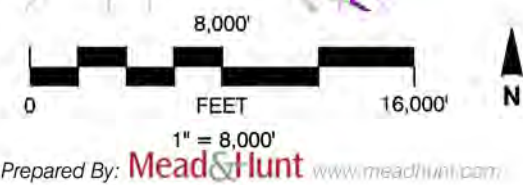
Base Map Sources:

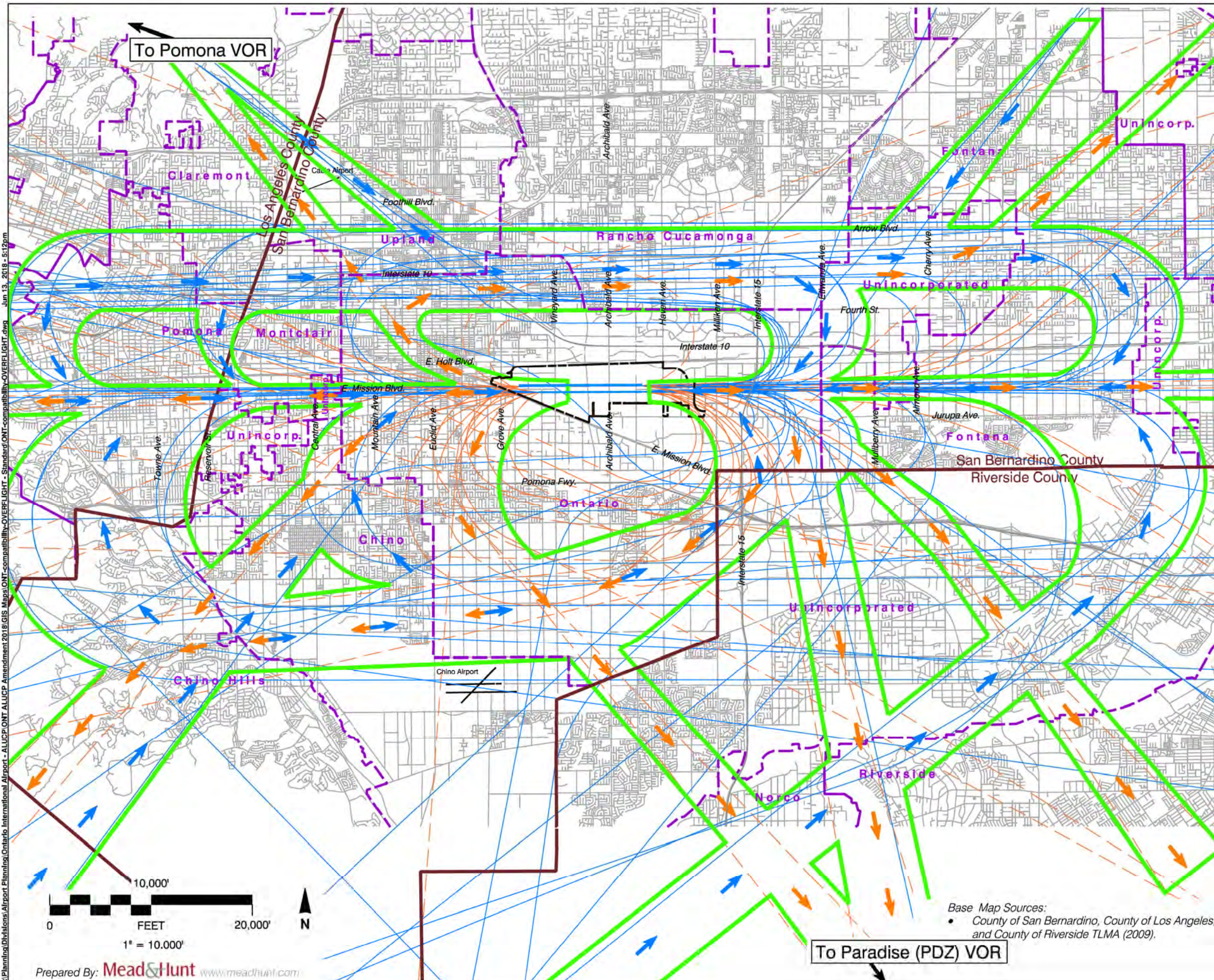
- County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).
- USGS The National Elevation Dataset (NED)

Exhibit 1-10

**Compatibility Factors:
Existing Airspace**

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LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Flight Routes¹

- Modeled Flight Tracks - Arrival
- - - Modeled Flight Tracks - Departure
- Generalized Aircraft Traffic Corridors
- Direction of Flight - Arrival
- Direction of Flight - Departure

NOTES

1. Flight track source: received from LAWA (April 2009). Flight tracks used to model airport noise contours. Represents all modeled flight tracks including those infrequently used. Infrequently used tracks (i.e., over Chino) are modeled to account for occasional variances from standard airport traffic patterns due to weather, congested airspace, and unfamiliarity with noise abatement procedures.



**Ontario International Airport
Land Use Compatibility Plan
July 2018 Amendment**

Base Map Sources:
• County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

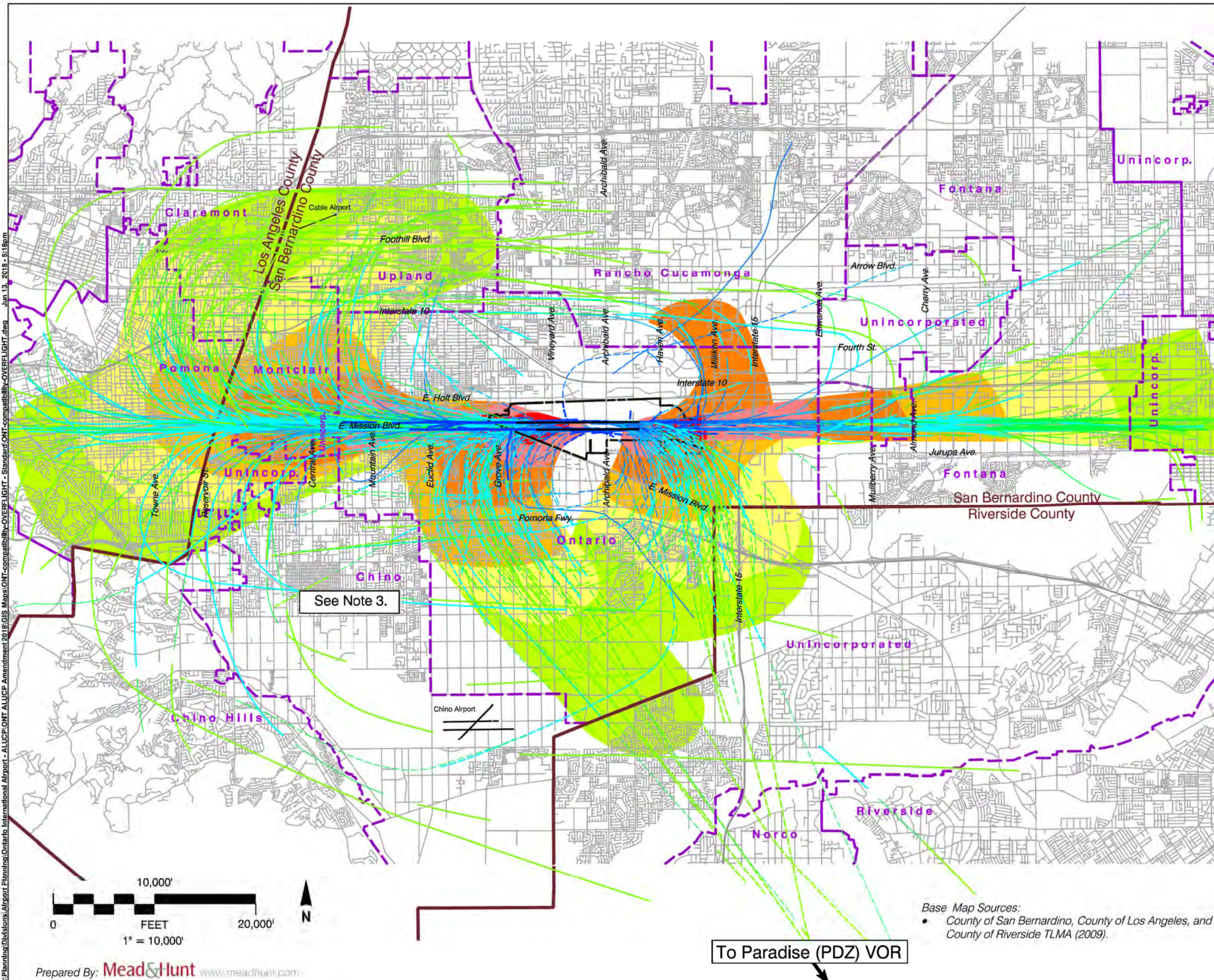
0 10,000' 20,000'
FEET
1" = 10,000'
N

Prepared By: **Mead&Hunt** www.meadhunt.com

Exhibit 1-11

Modeled Flight Routes

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Legend

- Boundary Lines**
- Airport Property Line
 - County Line
 - - - City Limits
 - Street
 - Existing Runways } Runway 8L-26R
Runway 8R-26L

Radar Flight Tracks²

Arrival	Departure	Altitude Range
Blue line	Blue line	0-500'
Light Blue line	Light Blue line	500' - 1,000'
Cyan line	Cyan line	1,000' - 1,500'
Light Green line	Light Green line	1,500' - 2,000'
Green line	Green line	2,000' - 2,500'
Yellow-Green line	Yellow-Green line	2,500' - 3,000'

Flight Track Altitudes²

Red	0-500'
Orange	500'-1,000'
Yellow-Orange	1,000'-1,500'
Yellow	1,500'-2,000'
Light Green	2,000'-2,500'
Green	2,500'-3,000'

Notes

1. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
2. Altitudes are above airport elevation. Track segments above 3,000' not shown.
3. Chino Noise Mitigation Measures (May 15, 1991): aircraft requested to avoid overflight of Chino by making immediate left turn to Paradise (PDZ) VORTAC or proceed straight for several miles before turning left, when feasible.



Ontario International Airport
Land Use Compatibility Plan
 July 2018 Amendment

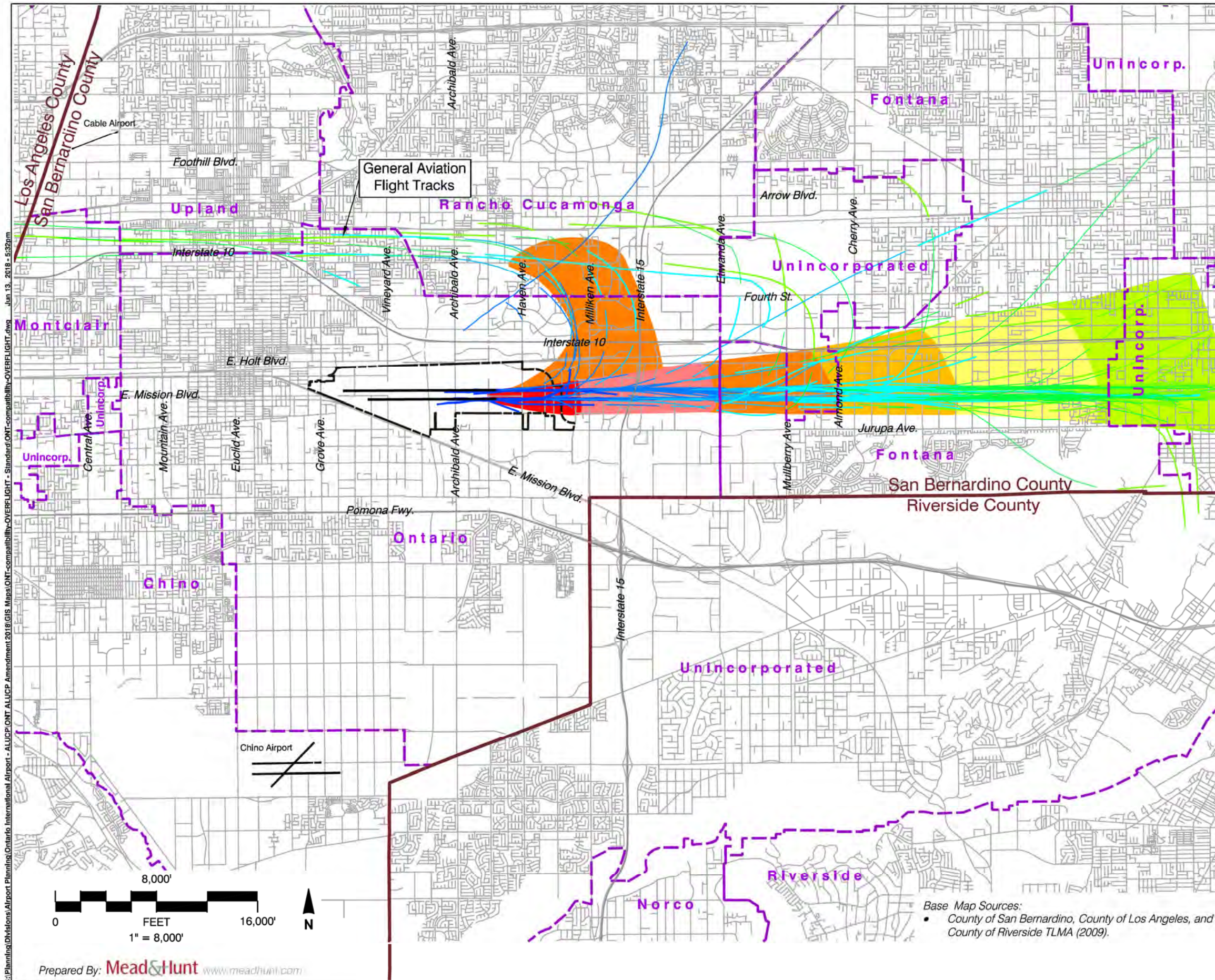
Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

Exhibit 1-12

Flight Track Altitude:
All Operations - Composite

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Prepared By: **Mead&Hunt** www.meadhunt.com



LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Radar Flight Tracks²

- Arrival
- 0-500'
 - 500' - 1,000'
 - 1,000' - 1,500'
 - 1,500' - 2,000'
 - 2,000' - 2,500'
 - 2,500' - 3,000'

Flight Track Altitudes²

- 0-500'
- 500'-1,000'
- 1,000'-1,500'
- 1,500'-2,000'
- 2,000'-2,500'
- 2,500'-3,000'

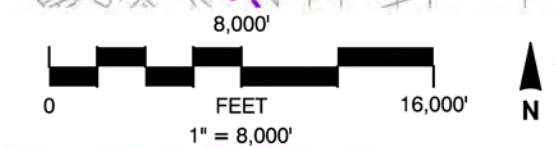
Notes

1. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
2. Altitudes are above airport elevation. Track segments above 3,000' not shown.
3. Radar flight tracks reflect normal arrival flow: arrivals from east (April 1-2, 2008).
4. These arrival flight patterns also reflect how aircraft approach the airport during contra flow conditions: night time (9:00 pm - 6:00 am) arrivals from the east and departures to the east.



**Ontario International Airport
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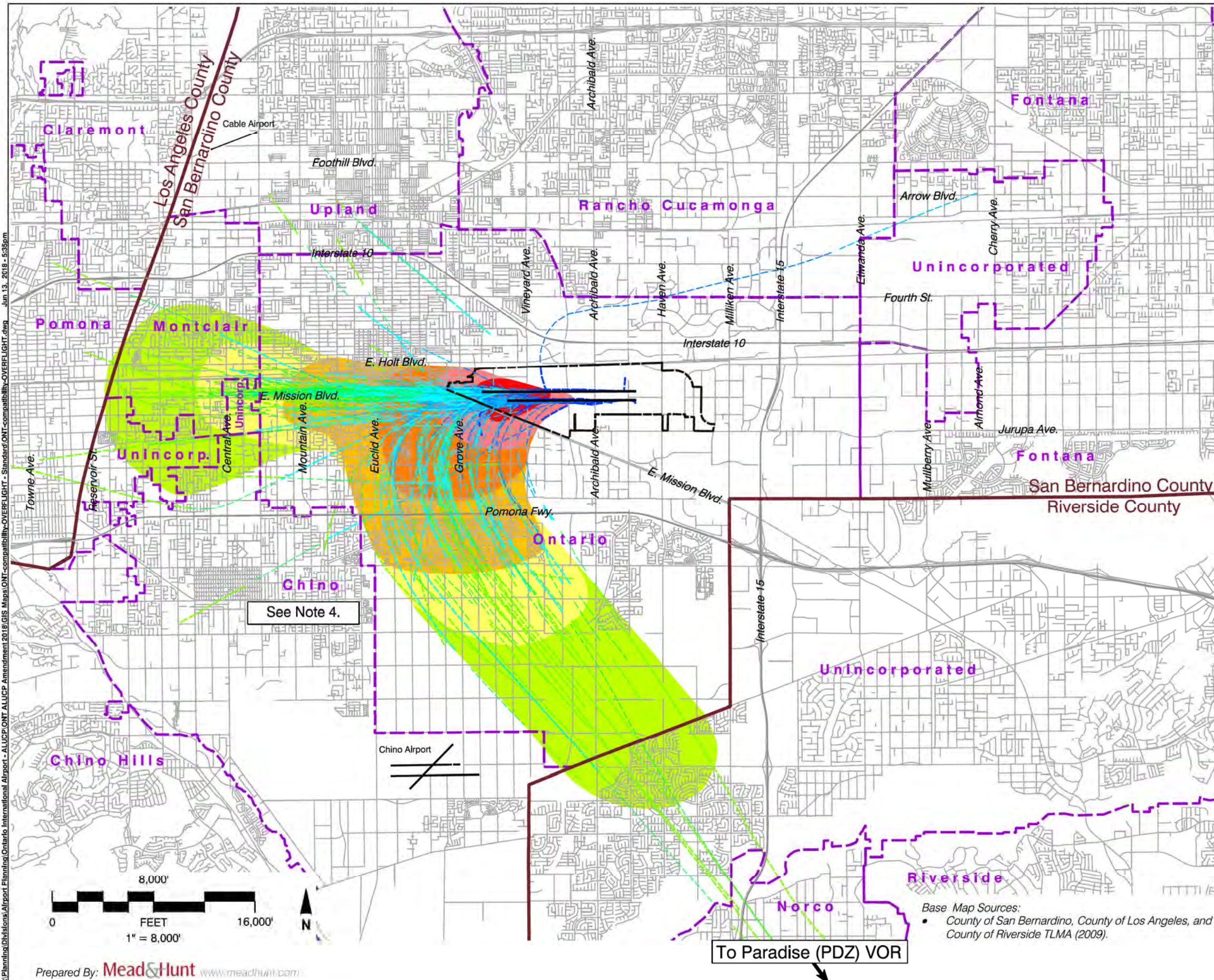
Base Map Sources:
• County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).



Prepared By: **Mead & Hunt** www.meadhunt.com

Exhibit 1-13

**Flight Track Altitude:
Normal Operations - Arrivals**



LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Radar Flight Tracks²

- Departure
- 0-500'
 - 500' - 1,000'
 - 1,000' - 1,500'
 - 1,500' - 2,000'
 - 2,000' - 2,500'
 - 2,500' - 3,000'

Flight Track Altitudes²

- 0-500'
- 500'-1,000'
- 1,000'-1,500'
- 1,500'-2,000'
- 2,000'-2,500'
- 2,500'-3,000'

NOTES

1. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
2. Altitudes are above airport elevation. Track segments above 3,000' not shown.
3. Radar flight tracks reflect normal departure flow: departures to west or south to PDZ VORTAC (April 1-2, 2008).
4. Chino Noise Mitigation Measures (May 15, 1991): aircraft requested to avoid overflight of Chino by making immediate left turn to Paradise (PDZ) VORTAC or proceed straight for several miles before turning left, when feasible.



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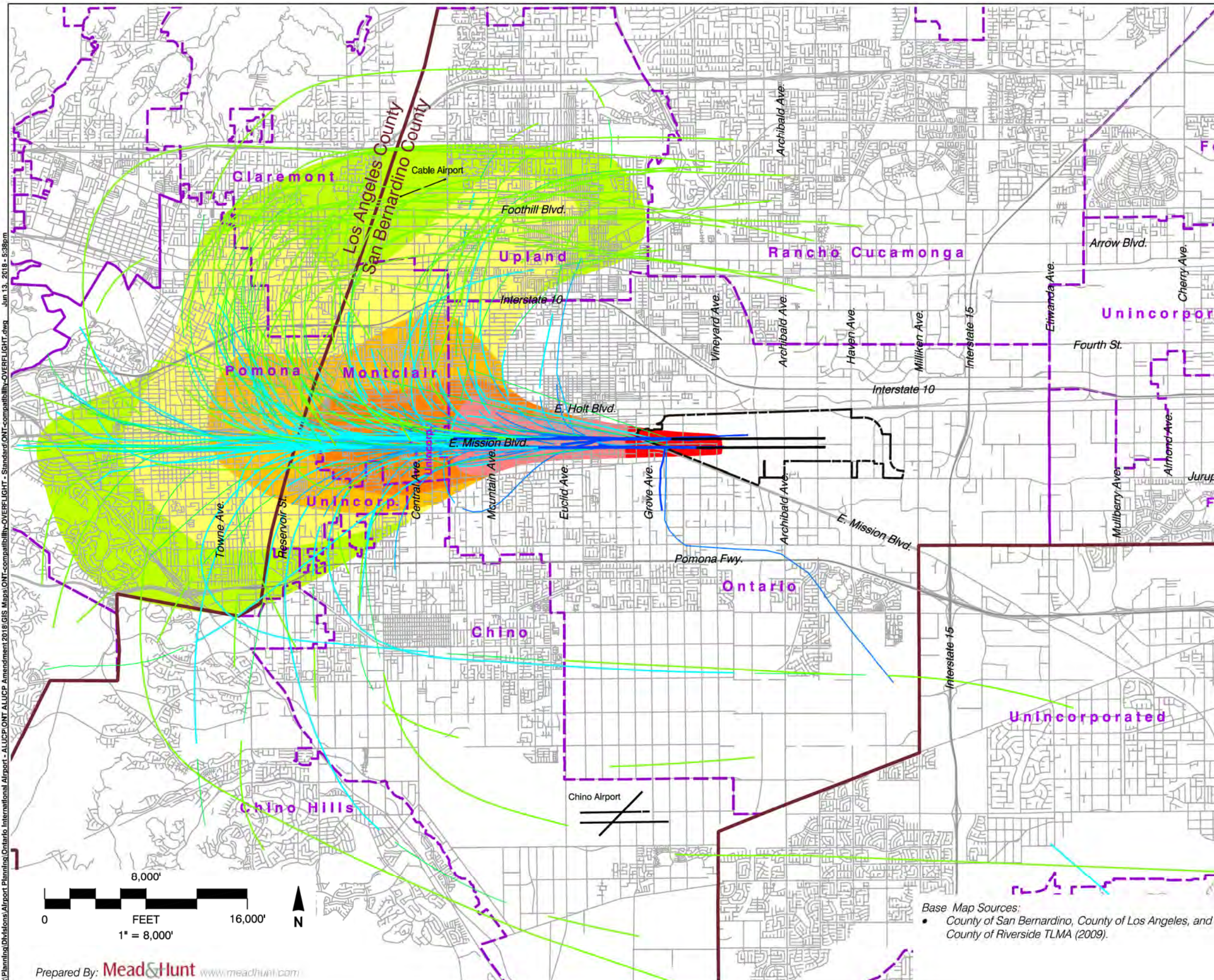
Exhibit 1-14

**Flight Track Altitude:
Normal Operations - Departures**

Base Map Sources:
• County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

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LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Radar Flight Tracks²

- Arrival
- 0-500'
 - 500'-1,000'
 - 1,000'-1,500'
 - 1,500'-2,000'
 - 2,000'-2,500'
 - 2,500'-3,000'

Flight Track Altitudes²

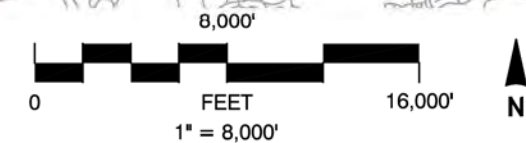
- 0-500'
- 500'-1,000'
- 1,000'-1,500'
- 1,500'-2,000'
- 2,000'-2,500'
- 2,500'-3,000'

NOTES

1. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
2. Altitudes are above airport elevation. Track segments above 3,000' not shown.
3. Radar flight tracks reflect Santa Ana conditions arrival flow: arrivals from the west. (January 16-17, 2008).



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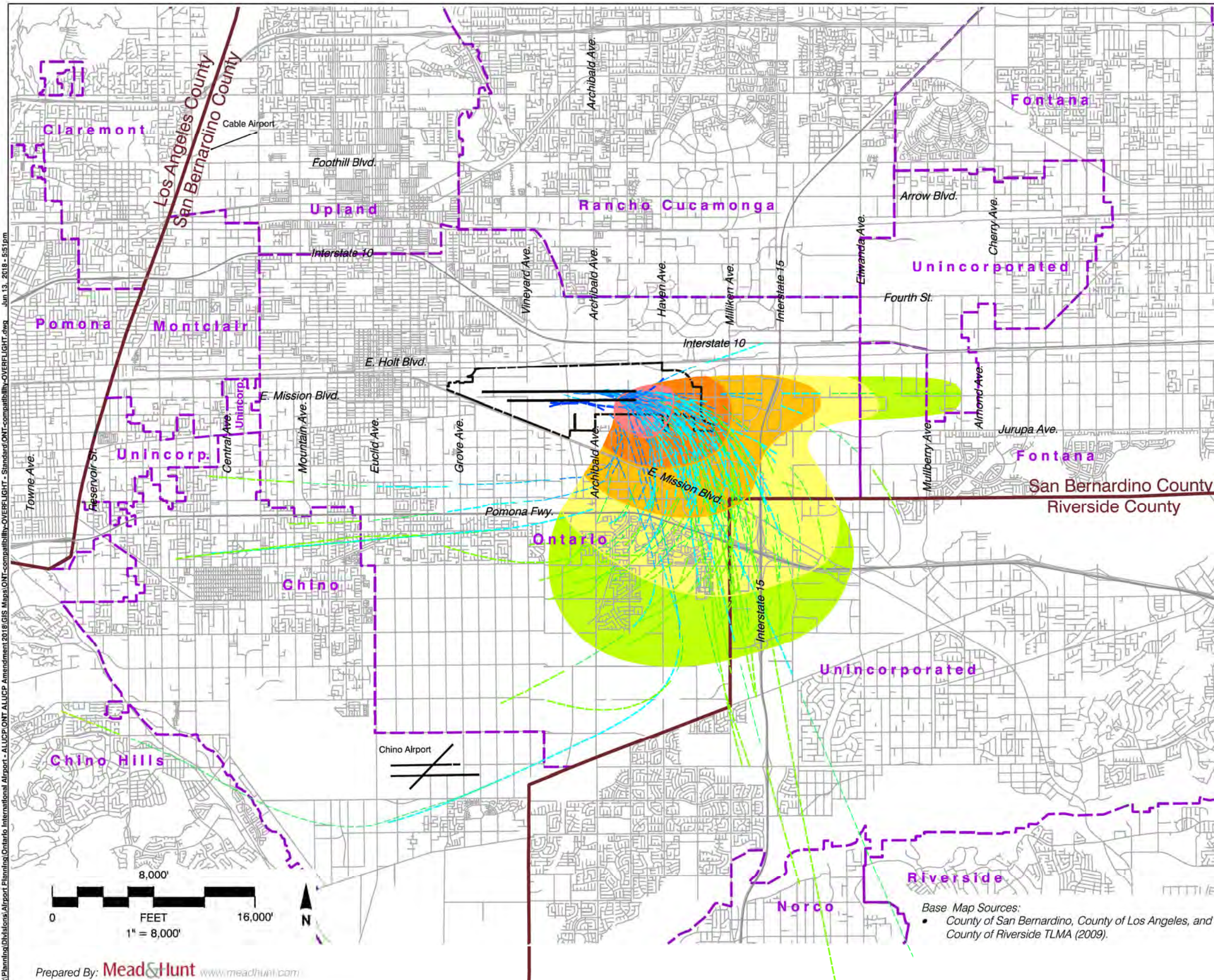


Base Map Sources:
• County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

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Exhibit 1-15

**Flight Track Altitude:
Santa Ana Conditions - Arrivals**



LEGEND

- Boundary Lines**
- Airport Property Line
 - County Line
 - - - City Limits
 - Street
 - Existing Runways

Radar Flight Tracks²

- Departure
- 0-500'
 - 500' - 1,000'
 - 1,000' - 1,500'
 - 1,500' - 2,000'
 - 2,000' - 2,500'
 - 2,500' - 3,000'

Flight Track Altitudes²

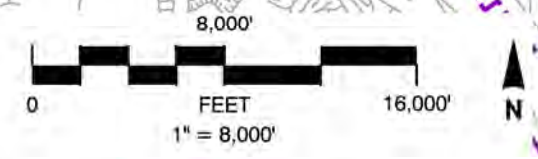
- 0-500'
- 500'-1,000'
- 1,000'-1,500'
- 1,500'-2,000'
- 2,000'-2,500'
- 2,500'-3,000'

NOTES

1. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
2. Altitudes are above airport elevation. Track segments above 3,000' not shown.
3. Radar flight tracks reflect Santa Ana conditions departure flow: departures to the east (January 16-17, 2008).
4. These departure flight patterns also reflect how aircraft depart the airport during contra flow conditions: night time (9:00 pm - 6:00 am) arrivals from the east and departures to the east.



Ontario International Airport
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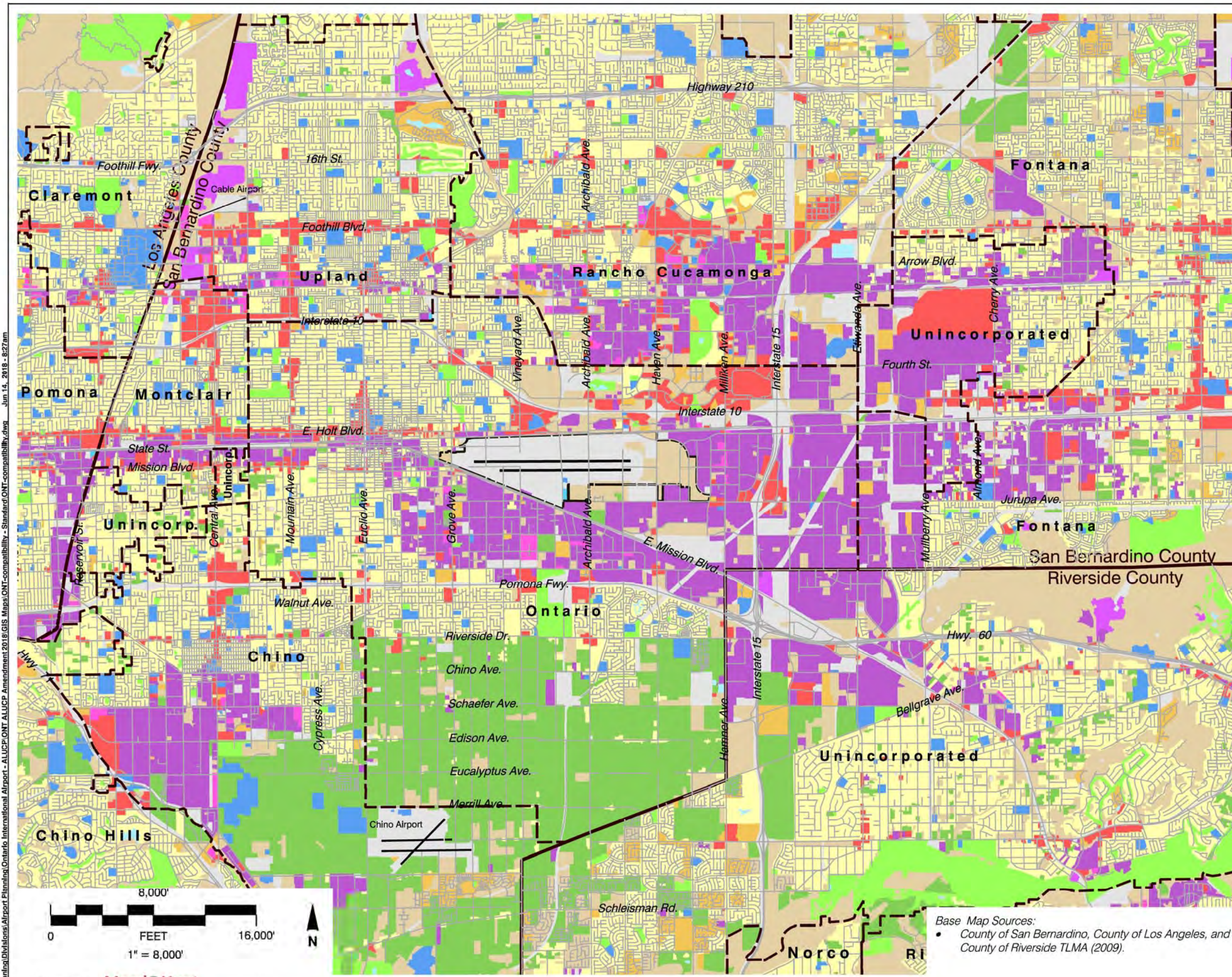
Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

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Exhibit 1-16

**Flight Track Altitude:
 Santa Ana Conditions - Departures**

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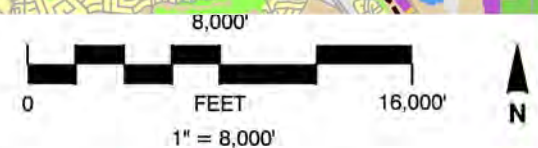


- Legend**
- Boundary Lines**
- Airport Property Line
 - County Line
 - - - City Limits
 - Existing Runways } Runway 8L-26R
Runway 8R-26L

- Existing Land Use (SCAG 2005)**
- Residential
 - Commercial
 - Public Facilities and Institutional
 - Military Installations
 - Industrial
 - Extraction
 - Transportation & Utilities
 - Mixed Use
 - Open Space & Recreation
 - Agriculture
 - Residential
 - Under Construction
 - Vacant

ONTARIO
AIRPORT PLANNING

**Ontario International Airport
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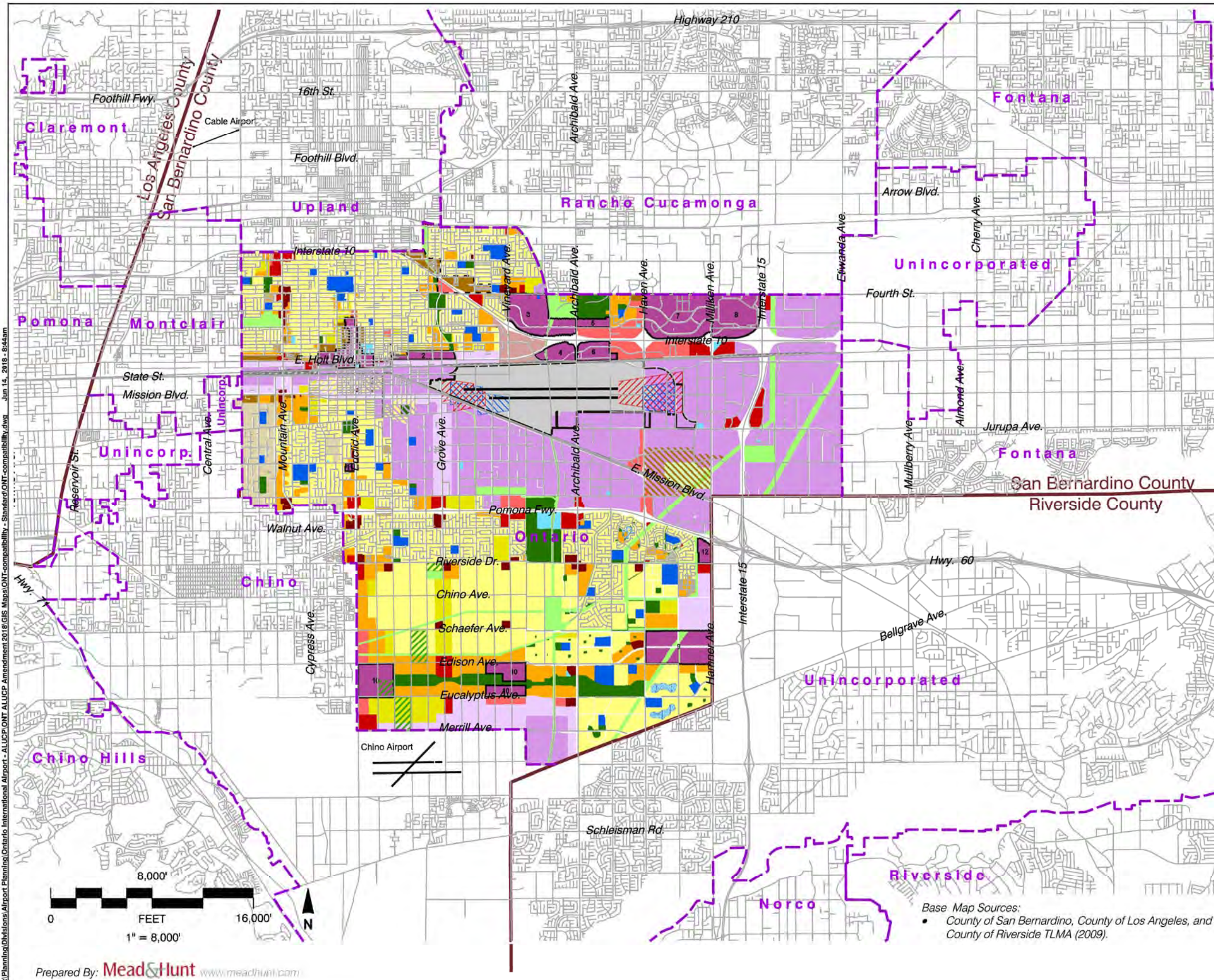
Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

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Exhibit 1-17

Existing Land Use

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Legend

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Land Use

- Rural Res. (0-2 du/ac)
- Low Density Res. (2.1-5 du/ac)
- Low-Medium Res. (5.1-11 du/ac)
- Medium Density Res. (11.1-25 du/ac)
- High Density Res. (25.1-45 du/ac)
- Mixed Use
- Neighborhood Commercial (.4 FAR)
- General Commercial (.4 FAR)
- Office/Commercial (1.0 FAR)
- Hospitality (1.0)
- Business Park (.6 FAR)
- Industrial (.55 FAR)
- Open Space - Non-Recreation
- Open Space - Recreation
- Open Space - Water
- Public Facility
- Public School
- LA/Ontario International Airport
- Railroad
- Landfill

Overlays

- Business Park
- Industrial
- I-10/Grove Intrchg. Area
- So. Calif. Preserve Park
- Clear Zone
- ONT Runway Protection Zone (RPZ)
- Landfill
- Commercial

Mixed Use Overlay Areas

- Downtown
- East Holt
- Guasti
- Hospitality
- Inland Empire Corridor
- Meredith
- Ontario Center
- Ontario Mills
- NMC East
- NMC South



**Ontario International Airport
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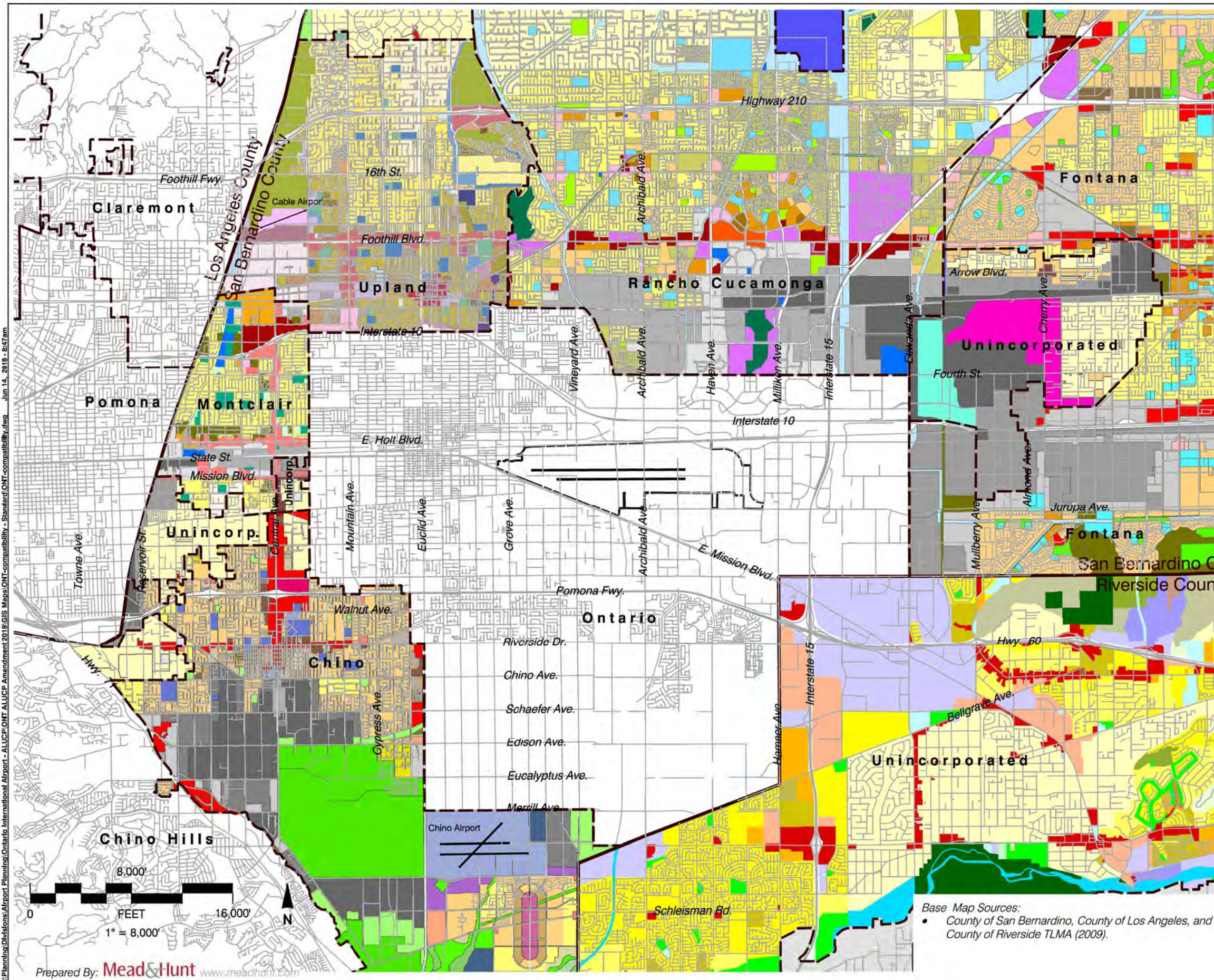
Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

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Exhibit 1-18

**City of Ontario
General Plan**



Legend

Boundary Lines

- Airport Property Line
- County Line
- City Limits
- Existing Runways } Runway 8L-26R
- } Runway 8R-26L

Notes

1. See Exhibit 1-19B for General Plan Land Use legends.
2. General Plan Land Use Sources:
 - Chino: June 2008
 - Fontana: October 2003
 - Montclair: 1999
 - Rancho Cucamonga: October 2001
 - Upland: 1996
 - County of Riverside: October 2003
 - County of San Bernardino: April 2007



**Ontario International Airport
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Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).

Exhibit 1-19A

**General Plan Land Use:
Other Jurisdictions**

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County of Riverside General Plan

- Estate Residential
- Rural Community - Low Density Residential
- EDR-RC
- Very Low Density Residential
- VLDR-RC
- Low Density Residential
- LDR-RC
- Medium Density Residential
- Medium High Density Residential
- High Density Residential
- Highest Density Residential
- Very High Density Residential
- Commercial Retail
- Commercial Tourist
- Commercial Office
- Community Center
- Light Industrial
- High Industrial
- Business Park
- Public Facilities
- Mixed Use Policy Area
- Rural Residential
- Rural Mountainous
- Rural Desert
- Agriculture
- Conservation
- Conservation Habitat
- Open Space Recreation
- Open Space Rural
- Water
- Mineral Resources
- Indian Lands
- CITY
- Freeway
- SP

City of Montclair General Plan

- Very Low, 0-2 units/acre
- Low, 3-7 units/acre
- Medium, 8-14 units/acre
- Senior Housing
- Office Professional
- Neighborhood Commercial
- General Commercial
- Regional Commercial
- Business Park
- Industrial Park
- Limited Manufacturing
- Public/Quasi Public
- Neighborhood Park
- Conservation Basins
- Community Plan
- Planned Development
- Medical Center

City of Chino General Plan

- RD 1
- RD 2
- RD 3
- RD 4.5
- RD 8
- RD 12
- RD 14
- RD 20
- COMMERCIAL**
- REGIONAL
- GENERAL
- OFFICE
- NEIGHBORHOOD
- INDUSTRIAL**
- BUSINESS
- SERVICE
- MANUFACTURING RESEARCH
- LIGHT
- GENERAL
- OPEN SPACE**
- RECREATION / EDUCATION
- RECREATION / OPEN SPACE
- URBAN RESERVE
- OTHER**
- PUBLIC
- TRANSITIONAL AREA
- PUBLIC SCHOOL
- ER - ESTATE RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- HDR - HIGH DENSITY RESIDENTIAL
- I - INSTITUTIONAL
- OSR - OPEN SPACE / RECREATIONAL
- MU - MIXED USE
- CYPRESS CHANNEL
- GENERAL INDUSTRIAL
- AGRICULTURAL
- OPEN SPACE
- ER - ESTATE RESIDENTIAL (2 DU/AC)
- LDR - LOW DENSITY RESIDENTIAL (5.5 DU/AC)
- MDR - MEDIUM DENSITY RESIDENTIAL (10 DU/AC)
- HDR - HIGH DENSITY RESIDENTIAL (16 DU/AC)
- NC - NEIGHBORHOOD COMMERCIAL (.25 FAR)
- RC - REGIONAL COMMERCIAL (.25 FAR)
- AR - AIRPORT RELATED (.35 FAR)
- LI - LIGHT INDUSTRIAL (.45 FAR)
- OS-W - OPEN SPACE WATER
- OS-N - OPEN SPACE NATURAL
- OS-R - OPEN SPACE RECREATIONAL
- AG/OS-N - AGRICULTURAL AND OPEN SPACE NATURAL
- AG - AGRICULTURAL
- PF - PUBLIC FACILITY
- CC - COMMUNITY CORE

City of Upland General Plan

- Single Family Residential**
- 0 - 2 du/ac
- 2 - 3 du/ac
- 3 - 4 du/ac
- 4 - 6 du/ac
- 7 - 10 du/ac
- 8 - 14 du/ac Mobile Home
- Multi-Family Residential**
- 7 - 12 du/ac
- 12 - 20 du/ac
- 7 - 12 du/ac Condominium
- 12 - 20 du/ac Condominium
- Luxury Attached Housing
- Commercial**
- Highway Commercial
- Central Trading
- Neighborhood Shopping
- Commercial Professional
- Office Only
- Transit Commercial
- Regional Commercial
- Neighborhood Business Specialty
- Neighborhood Conservation
- Commercial/Industrial Mixed Use
- Industrial**
- Light Industrial
- Industrial/Loft Mixed Use
- Neighborhood Industrial
- Light Industrial/Neighborhood
- Specific Plans**
- Institutional/Institutional (SP)
- Commercial/Industrial (SP)
- Residential/Commercial (SP)
- Public/Government**
- Public
- School
- Park
- Reservoir
- Land Fill
- Special/Institutional**
- Cable Airport
- Open Space
- Edison Easement
- Flood Control

County of San Bernardino General Plan

- CG - General Commercial
- CN - Neighborhood Commercial
- CO - Office Commercial
- CS - Service Commercial
- FW - Floodway
- IC - Community Industrial
- IN - Institutional
- IR - Regional Industrial
- OS - Open Space
- RC - Resource Conservation
- RL - 5 - Rural Living
- RM - Multiple Residential
- Single Residential
- SD-COM - Special Development - Commercial
- SD-RES - Special Development - Residential
- BL/CG-SCp - General Commercial
- BL/CN - Neighborhood Commercial
- BL/CS - Service Commercial
- BL/IC - Community Industrial
- AM/SP - Specific Plan
- BL/IN - Institutional
- BL/IR - Regional Industrial
- BL/RL - Rural Living
- BL/RM - Multiple Residential
- KC/SP - Specific plan

City of Rancho Cucamonga General Plan

- VERY LOW
- LOW
- LOW MEDIUM
- MEDIUM
- MEDIUM HIGH
- HIGH
- OFFICE
- NEIGHBORHOOD COMMERCIAL
- COMMUNITY COMMERCIAL
- GENERAL COMMERCIAL
- COMMERCIAL RECREATION
- MIXED USE
- INDUSTRIAL PARK
- GENERAL INDUSTRIAL
- HEAVY INDUSTRIAL
- HILLSIDE RESIDENTIAL
- CONSERVATION
- OPEN SPACE
- FLOOD CONTROL / UTILITY CORRIDOR
- CIVIC / REGIONAL
- COMMUNITY COLLEGE
- ELEMENTARY SCHOOL
- HIGH SCHOOL
- JUNIOR HIGH SCHOOL
- PARK
- MAJOR ROADS

City of Fontana General Plan

- R-E Residential Estates (2 du/ac)
- R-PC Residential Planned Community (3-6.4 du/ac)
- R-SF Single Family Residential (2.1-5 du/ac)
- R-M Medium Density Residential (5.1-7, 7.7-12 du/ac)
- R-MF Multi-Family Residential (12.1-24 du/ac)
- C-C Community Commercial
- C-G General Commercial
- RMU Regional Mixed Use (12-24 du/ac)
- I-L Light Industrial
- I-G General Industrial
- P-PF Public Facilities
- P-R Recreational Facilities
- P-UC Public Utility Corridor
- DS Open Space
- ROW

Notes
1. Certain land use designations may be outside of map view.



**Ontario International Airport
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Exhibit 1-19B

**General Plan Land Use:
Other Jurisdictions**



Chapter 2

PROCEDURAL AND COMPATIBILITY POLICIES

CHAPTER OVERVIEW

Introduction

Chapter 2 focuses on procedural policies, compatibility policies and compatibility criteria. The procedural policies modify the Alternative Process previously established for ~~LA~~/Ontario International Airport (ONT) in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration and the formation of a Mediation Board to mediate disputes.

Note: State law provides for what is generally known as the "Alternative Process" wherein counties do not have to form an Airport Land Use Commission (ALUC). Instead, the county and affected cities having jurisdiction over an airport take on the compatibility planning responsibilities.

The compatibility criteria in this chapter provides the foundation for compatibility policies. Affected agencies will use the compatibility policies and criteria to evaluate future airport and land use plans, as well as individual development proposals, for consistency with the *ONT Compatibility Plan*. The compatibility policies address four types of airport land use impacts: safety, noise, airspace protection and overflight.

Section Descriptions

The content of each section contained within this chapter is described below.

→ **Section 1: Scope and Limitations of the Compatibility Plan**

This section provides details regarding the geographic extent of the airport influence area, the jurisdictions affected by airport impacts, the applicability of the *Compatibility Plan* to the affected agencies and the limitations of the plan.

→ **Section 2: ALUCP Implementation Responsibilities**

This section identifies the responsibilities of each agency in implementing the *Compatibility Plan*. It also identifies the process by which projects are reviewed through the Alternative Process.

→ **Section 3: City of Ontario Roles and Responsibilities**

This section stipulates the roles and responsibilities of the City of Ontario in implementing the *Compatibility Plan*, facilitating the Alternative Process, and assisting affected jurisdictions with the *Compatibility Plan* implementation.

→ **Section 4: Mediation Board Roles, Responsibilities and Dispute Resolution Process**

This section stipulates the role and responsibilities of the Mediation Board, composition of the Board, and the procedures by which the Board will review disputed projects. Procedural policies for overruling decisions of the Mediation Board is also included in this section.

→ **Section 5: Evaluating Land Use Consistency**

This section describes the evaluation tools (tables, maps, policies in Section 6) to be used by affected agencies in evaluating the consistency of land use proposals with the *Compatibility Plan*.

→ **Section 6: Compatibility Policies**

This section is divided into five sub-sections: safety, noise, airspace protection, overflight and special compatibility policies. With the exception of special policies, each section contains general information regarding the factors considered in establishing the policies and delineating the compatibility zone boundaries.

Criteria Table Descriptions

The compatibility tables at the end of this chapter provide the following information:

→ **Table 2-1: Major Land Use Actions**

This table identifies types of development projects and land use actions that are subject to the ONT Inter-Agency Notification Process.

→ **Table 2-2: Safety Criteria**

The safety criteria table provides a list of land use categories and identifies the acceptability of specific land uses within each of the five safety zones. Intensity limits for nonresidential uses (i.e., maximum number of people per acre) and other safety considerations within each safety zone are also noted.

→ **Table 2-3: Noise Criteria**

The noise criteria table provides a list of land use categories and identifies the acceptability of specific land uses within each of the noise impact zones. The interior noise level requirements within each zone are also noted for residential and nonresidential uses.

Compatibility Policy Map Descriptions

The geographic extent of each compatibility factor is depicted in the compatibility policy maps within this chapter.

→ **Map 2-1: Airport Influence Area (AIA)**

The AIA boundary encompasses the geographic extents of all the compatibility factors: safety, noise, airspace protection, and overflight.

→ **Map 2-2: Safety Zones**

This policy map displays a single set of safety zones reflecting the existing and ultimate runway configurations (i.e., shows the most restrictive set of safety zones). The safety zones for ONT are based upon the generic safety zones provided in the *California Airport Land Use Planning Handbook* (January 2002).

→ **Map 2-3: Noise Impact Zones**

The noise impact zones represent ~~a composite of two sets of project noise contours reflecting two forecast scenarios for 2030.~~ The “No Project” scenario and assumes 343,000 annual operations on the existing runways system. ~~and the “Proposed Project” scenario reflects 465,000 annual operations on the ultimate runway configuration.~~

→ **Map 2-4: Airspace Protection Zones**

The airspace protection zones ~~are a composite of the various~~ the airspace surfaces prepared in accordance with Federal Aviation Regulation Part 77, the United States Standard for

Terminal Instrument Procedures (TERPS), and applicable obstruction clearance standards published by the Federal Aviation Administration. The airspace surfaces reflect ~~both~~ the existing ~~and ultimate~~ runway configurations ~~and have been merged into a single set of~~ ~~airspace protection zones~~.

→ **Map 2-5: Overflight Notification Zones**

The overflight notification zones were delineated by identifying the areas overflown by aircraft flying at altitudes of less than 3,000 feet above ground level. The overflight notification zones also encompass the areas underlying the airport's critical airspace surfaces.

Section 1: SCOPE AND LIMITATIONS OF THE COMPATIBILITY PLAN

1.1 Geographic Scope

1.1.1 Airport Influence Area (AIA): In accordance with state law, the ONT AIA encompasses all lands that could be negatively impacted by ONT's present or future aircraft operations or land uses that could negatively affect ONT's airport operations. The AIA depicted in **Map 2-1** encompasses the geographic extent of four types of compatibility impacts, referred to as compatibility factors. They are:

- (a) **Safety:** Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
- (b) **Noise:** Locations exposed to potentially disruptive levels of aircraft noise.
- (c) **Airspace Protection:** Places where height and certain other land use characteristics, particularly uses that attract birds, need to be restricted in order to protect the airspace required for operation of aircraft to and from the airport.
- (d) **Overflight:** Locations where aircraft overflights can be intrusive and annoying to many people.

1.1.2 Other Airport Impacts: Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed in this *Compatibility Plan* and are not factors to be considered when reviewing a project for consistency with the compatibility criteria of this *Compatibility Plan*.

1.2 Applicability of the Compatibility Plan

1.2.1 Affected Local Jurisdictions: The ONT AIA encompasses jurisdictions within San Bernardino, Los Angeles, and Riverside Counties. Each jurisdiction is impacted differently as the geographic extents of the four compatibility factors vary in size and shape. ~~Exhibit Table 2A~~ lists each jurisdiction within the AIA and indicates the type of impact they are affected by.

1.2.2 Affected Agencies in San Bernardino County: The *Compatibility Plan* shall apply to the following agencies in San Bernardino County:

- (a) Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, and Upland are the local jurisdictions impacted by ONT.
- (b) San Bernardino County has jurisdictional control over unincorporated San Bernardino County lands within the AIA.

- (c) ~~Los Angeles World Airports (LAWA) is a department of the City of Los Angeles~~ and ~~The Ontario International Airport Authority (OIAA)~~ is the owner and operator of ONT.
- (d) Special entities including school districts, community college districts, and special districts whose boundaries include lands within the San Bernardino County portion of the AIA.

1.2.3 Jurisdictions of Los Angeles and Riverside Counties: The ONT AIA extends beyond the San Bernardino County borders and into parts of adjacent Los Angeles and Riverside Counties. For the jurisdictions of Los Angeles and Riverside Counties, the *Compatibility Plan* is informational only. These jurisdictions are not subject to the requirements of this *Compatibility Plan*. The County of Riverside has jurisdictional control over unincorporated lands within the noise-impacted areas of ONT and has elected to participate in the Alternative Process on a discretionary basis.

Agency	Safety	Noise	Airspace Protection	Overflight	Comments
City of Ontario	X	X	X	X	All policies apply
City of Chino		X	X	X	
City of Fontana		X	X	X	
City of Montclair		X	X	X	
City of Rancho Cucamonga			X	X	
City of Upland			X	X	
County of San Bernardino		X	X	X	
County of Riverside		X	X	X	Policies are informational; Participating in Alternative Process on discretionary basis (see Section 1.2.3)
City of Pomona, Los Angeles County				X	Policies are informational (see Section 1.2.3)
City of Claremont, Los Angeles County				X	Policies are informational (see Section 1.2.3)

1.3 Limitations of the Compatibility Plan

1.3.1 Airport Operations: State law explicitly precludes airport land use commissions from having jurisdiction over the operation of any airport (Public Utilities Code Section 21674(e)). The same limitation also applies under the Alternative Process.

- (a) The City of Ontario, affected local jurisdictions, and the Mediation Board have no authority over the operation of ONT. This authority rests with ~~LAWA~~ ~~OIAA~~ and the Federal Aviation Administration (FAA).
- (b) The only actions of ~~OIAA~~ ~~LAWA~~ subject to the Alternative Process and the policies of this *Compatibility Plan* are the adoption or amendment of the airport

master plan or airport layout plan, or approval of certain facility development plans that would have off-airport compatibility implications (e.g., runway alterations, improved instrument approach procedures), and approval of on-airport development that is not an aviation related use (e.g., commercial or industrial facilities).

1.3.2 Existing Land Uses: The *Compatibility Plan* applies only to new development or future land uses within the AIA. In accordance with Public Utilities Code Section 21674(a), the policies of this *Compatibility Plan* do not apply to existing land uses, whether or not they are consistent with the *Compatibility Plan*.

- (a) **Qualifying Criteria:** A land use is considered to be “existing” when one or more of the below conditions has been met prior to the approval date of the *Compatibility Plan* by California Division of Aeronautics. The determination as to whether a specific project meets the criteria below is made by the responsible jurisdiction or special entity involved.
- ➔ The development and/or land use physically exists.
 - ➔ A vesting tentative parcel or subdivision map has been approved and all discretionary approvals have been obtained.
 - ➔ A development agreement has been approved and remains in effect.
 - ➔ A final subdivision map has been recorded.
 - ➔ A use permit or other discretionary entitlement has been approved and not yet expired.
 - ➔ A valid building permit has been issued.
 - ➔ Substantial investments in physical construction were made by the property owner prior to the approval date of this *Compatibility Plan* by the California Division of Aeronautics and such investments make it infeasible for the property to be utilized for anything other than its proposed use. Substantial investment is determined by the responsible agency.
 - ➔ Prior to the approval date of this *Compatibility Plan* by the California Division of Aeronautics, substantial public funds were expended for land acquisition of a project site and the responsible agency had publicly indicated support for a proposed development or development concept, even though all discretionary approvals had not yet been obtained by that date.
- (b) **Existing Nonconforming Uses:** Existing land uses that are inconsistent with the *Compatibility Plan* are considered to be “nonconforming” land uses. These uses are not subject to the *Compatibility Plan* unless changes to the use are proposed.
- ➔ Any type of construction, renovation, or other redevelopment activity that would demolish 80% or more of the existing structure’s floor area would change the nonconforming status of the use and be subject to the *Compatibility Plan* and any other requirements set by the local jurisdiction.
 - ➔ A structure that has been fully or partially destroyed as a result of a flood, fire and or natural disaster may be rebuilt and re-occupied by the same nonconforming use and is only subject to requirements set by the local jurisdiction not the *Compatibility Plan*.

Section 2: ALUCP IMPLEMENTATION RESPONSIBILITIES UNDER THE ALTERNATIVE PROCESS

2.1 Overview of ALUCP Implementation Responsibilities for Affected Agencies

- 2.1.1 Adopt Compatibility Plan:** The City of Ontario is responsible for leading the preparation of the ~~LA~~*Ontario International Airport Land Use Compatibility Plan* and any future amendments in coordination with affected jurisdictions (see Section 3.1). Affected Agencies are responsible for adopting the *Compatibility Plan* or specific policies that apply to their portions of the AIA. The compatibility policies in Section 6 of this *Compatibility Plan* are structured in a manner that recognizes that the City of Ontario's land use authority stops at its borders. As such, policies applicable only to the City of Ontario use the word "shall." Policies applicable to the other affected agencies, as well as the City of Ontario, use the word "should." In the both instances, the policies are considered "shall" for the City of Ontario. In accordance with the provisions of the Alternative Process, the other affected agencies are encouraged to adopt similar requirements for the portions of the AIA within their respective jurisdictions.
- 2.1.2 Attain Consistency with the Compatibility Plan:** Consistent with state law, Affected Agencies are responsible for modifying their respective general plans, specific plans, zoning ordinances, and other policy documents to be consistent with the compatibility policies and criteria set forth in this *Compatibility Plan* or requesting a hearing before the ONT Mediation Board to resolve disputes.
- 2.1.3 ALUCP Consistency Evaluations:** Affected Agencies are responsible for conducting their own consistency evaluations for new development and/or major land use actions within their portions of the ONT AIA. Major Land Use Actions (Table 2-1), are subject to the ONT Inter-Agency Notification Process.
- 2.1.4 ONT Inter-Agency Notification Process:** Each Affected Agency is required to notify the City of Ontario of proposed Major Land Use Actions within its portion of the AIA. The City of Ontario is then responsible for forwarding information regarding these proposed Major Land Use Actions to other Affected Agencies for comment. Major Land Use Actions are listed in Table 2-1 of this Chapter. The Inter-Agency Notification Process is discussed further in Section 2.3.
- 2.1.5 Referencing the Compatibility Plan in CEQA Documents:** The California Environmental Quality Act (CEQA) requires Affected Agencies to utilize the *California Airport Land Use Planning Handbook* and this *Compatibility Plan* as a technical resource for analyzing the environmental impacts of new projects located within the AIA. Projects situated within the AIA should be evaluated to determine if the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096).
- 2.1.6 Establish a Process for Mediating Disputes:** State law pertaining to the Alternative Process requires that a process be established for "the mediation of disputes arising from the preparation, adoption, and amendment" of an airport land use compatibility plan (Public Utilities Code Section 21670.1(c)(2)(C)). This *Compatibility Plan* fulfills State Law requirements by establishing a Mediation Board. The roles, responsibilities, process and membership of the Mediation Board are described in detail in Section 4 of this chapter.

2.2 Specific Responsibilities of ~~Los Angeles World Airports (LAWA)~~the Ontario International Airport Authority (OIAA)

2.2.1 Submit Certain Airport Actions Through Alternative Process: The ~~LA~~/Ontario International Airport compatibility zones delineated on **Maps 2-2** through **2-5** are based upon the existing and ultimate airport configuration and projected aircraft activity summarized in Chapter 1. If, at a future time, changes in the configuration or use of the airport are proposed and those changes could result in expansion of the airport's impacts beyond the impacts identified in this *Compatibility Plan*, the proposed changes shall be subject to the ONT Inter-Agency Notification Process described in Section 2.3. Specifically, the following types of projects are subject to the ONT Inter-Agency Notification Process:

- (a) **Airport Plans:** Adoption or amendment of the ~~LA~~/Ontario International Airport Master Plan or Airport Layout Plan (Public Utilities Code Sections 21661.5 and 21664.5).
- (b) **Aviation-Related Development Proposals:** Any proposal for modification or expansion of airport facilities requiring amendment to the Airport Permit issued by the California Division of Aeronautics. Airport development projects include:
 - ➔ Proposal to acquire land for runway protection zones or airport development;
 - ➔ Construction of a new runway;
 - ➔ Extension or realignment of an existing runway; or
 - ➔ Expansion of the airport's physical facilities.
- (c) **Nonaviation-Related Development Proposals:** Any proposal for the construction of new nonaviation-related development (e.g., commercial or industrial) requiring action by the City of Ontario.

2.3 ONT Inter-Agency Notification Process

2.3.1 ONT Inter-Agency Notification Process: Each Affected Agency and ~~LAWA~~the ~~OIAA~~ shall participate in the ONT Inter-Agency Notification Process for the purposes of providing technical assistance, information and oversight for the implementation of this *Compatibility Plan*.

- (a) Affected Agencies required to participate in the Inter-Agency Notification Process include ~~LAWA~~~~OIAA~~ and the Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, Upland and the County of San Bernardino. The City Manager of each Affected Agency shall designate a department responsible for participating in the ONT Inter-Agency Notification Process.

~~(b) The County of Riverside has elected to participate in the Inter-Agency Notification Process on a discretionary basis.~~

- ~~(b)~~ Special entities as described in 1.2.2(d) are subject to the development criteria of this *Compatibility Plan* and shall participate in the Inter-Agency Notification Process by submitting Major Land Use Actions to the City of Ontario for consistency evaluations.

2.3.2 Project Review Process: The ONT Inter-Agency Notification Process includes the steps listed below.

- (a) For each project or land use action subject to the Alternative Process, the Submitting Agency shall complete a Project Comment Worksheet and forward it to the City of Ontario for forwarding to Affected Agencies. The Worksheet shall contain sufficient project details to enable Affected Agencies to comment upon the project's consistency with the *Compatibility Plan* for ONT. See Appendix E for the type of information that should be included in the Project Comment Worksheet. Items shall be submitted electronically to the City of Ontario (preferably in PDF format).
- (b) Commenting Agencies will have 15 calendar days to review and comment on the Submitting Agency's Project Comment Worksheet. Agencies that do not respond within the 15-day period would be considered to have no comments and subsequently agree with the Submitting Agency's consistency evaluation. Commenting Agencies shall limit their comments to issues related to the project's consistency with the *Compatibility Plan* and forward their comments electronically to the City of Ontario.
- (c) If the Submitting Agency disagrees with the comments received on the Worksheet, staff of the Submitting Agency is encouraged to collaborate with staff of the commenting agency and/or commenting agencies to seek solutions that will bring the project into voluntary compliance with the *Compatibility Plan*. If the proposed project is revised in response to comments received on the Project Comment Worksheet, the Submitting Agency shall submit a revised Project Comment Worksheet in the manner provided in subdivision (a). If disagreements regarding consistency remain, the Submitting Agency or any Commenting Agency may request a Mediation Board hearing to mediate the dispute.
- (d) If no comments are submitted on the Project Comment Worksheet as provided in subdivision (b), or if comments are resolved as provided in subdivision (c), the Submitting Agency shall indicate in its own public notices that the project is within the ONT AIA and has undergone a consistency evaluation and found to be consistent with this *Compatibility Plan*.

Section 3: CITY OF ONTARIO ADDITIONAL RESPONSIBILITIES

3.1 Preparation, Adoption and Amendment of the Compatibility Plan

- 3.1.1 Prepare and Adopt the Compatibility Plan:** The City of Ontario shall be the lead agency responsible for preparing the ~~LA~~/*Ontario International Airport Land Use Compatibility Plan* and any amendments that may subsequently be proposed. The City of Ontario shall also be responsible for coordinating these efforts with affected jurisdictions.
- 3.1.2 Adoption Authority for the City of Ontario:** The Ontario City Council has the authority to adopt the *Compatibility Plan* or any amendments to the Plan as they apply to the City of Ontario.
- 3.1.3 Adoption Authority for Affected Agencies:** Each Affected Agency has the authority to adopt the *Compatibility Plan* adopted by the City of Ontario or the specific policies that apply to their portions of the AIA.

3.2 ALUCP Implementation Administration

3.2.1 Mediation Board General Administration: The City of Ontario shall perform general administrative duties for the Mediation Board including, but not limited to:

- (a) Arranging meeting places and schedules, preparing agendas, and recording meeting minutes.
- (b) Issuing required public notices for meetings of the Mediation Board.
- (c) Providing an annual report to the Mediation Board and California Division of Aeronautics on the compatibility planning actions reviewed over the course of the year.

3.2.2 Administration of the ONT Inter-Agency Notification Process: The City of Ontario shall coordinate with and assist Affected Agencies with implementing the relevant policies of the *Compatibility Plan* by:

- (a) Developing, maintaining and distributing the Project Comment Worksheet, when necessary;
- (b) Providing affected agencies with technical information and guidance regarding compatibility planning issues;
- (c) Serving as a clearinghouse for major airport and land use actions within the AIA and proposed on-site airport development;
- (d) Reviewing proposed major airport and land use actions for consistency with the policies set forth in this *Compatibility Plan* and preparing written consistency evaluations for transmittal to applicable Affected Agencies;
- (e) Soliciting input and comments from the Federal Aviation Administration, California Division of Aeronautics, pilot groups, and others regarding compatibility planning matters, when necessary; and
- (f) Encouraging Los Angeles and Riverside Counties to adopt compatibility planning policies and criteria for the portions of the ONT AIA located within their respective jurisdictions.

Section 4: MEDIATION BOARD ROLES, RESPONSIBILITIES, AND PROJECT DISPUTE PROCESS

4.1 Mediation Board Purpose and Composition

4.1.1 Function of Mediation Board: The Mediation Board for ONT is a voting body established to formally address disputes that are not resolved at a staff level. The Mediation Board will only review matters appealed to it by Affected Agencies.

4.1.2 Membership of Mediation Board: The Mediation Board shall be comprised of elected or appointed government officials of the participating agencies and two members representing the public. The members representing the Affected Agencies shall have land use, planning, and/or public hearing experience (e.g., county

supervisor, city council member, planning/airport commissioner). Members of the Mediation Board shall be appointed as follows:

- (a) **City of Ontario:** Two members representing the City of Ontario, appointed by the Ontario City Council.
- (b) **LAWAOIAA:** One member representing the ~~Los Angeles World Airports~~ Ontario International Airport Authority (LAWAOIAA), the ~~LA/Ontario International Airport Manager~~ Chief Executive Officer.
- (c) **Public:** Two public representatives (at least one having aviation expertise), appointed by the Ontario City Council with recommendations from the other Affected Agencies.
- (d) **Other Affected Agency:** Two members representing the agency with the disputed project, appointed by the agency's governing body. If the agency with the dispute is either the City of Ontario or ~~LAWA~~ the OIAA, the two members shall not be appointed and the Mediation Board shall consist of a five-member board.

4.1.3 Mediation Board Decisions: When acting upon a disputed action (e.g., consistency evaluation or preparation, adoption or amendment of the *Compatibility Plan*) the Mediation Board shall:

- (a) Hold a public hearing on the action under consideration.
- (b) Provide the opportunity for public input.
- (c) Issue formal findings on the disputed action.
- (d) Make decisions by majority vote.

4.2 Mediation Board Project Dispute Process

4.2.1 Actions Open to Mediation: State law pertaining to the Alternative Process requires that a process be established for “the mediation of disputes arising from the preparation, adoption, and amendment” of an airport land use compatibility plan (Public Utilities Code Section 21670.1(c)(2)(C)). This *Compatibility Plan* allows mediation to occur over certain land use actions—specifically, general plan amendments, zoning ordinance modifications, airport development plans (Section 2.2), or major land use actions.

4.2.2 Convening the Mediation Board: The Mediation Board shall convene on an as needed basis, to resolve disputed matters brought to it by an Affected Agency. Meetings shall be convened within 30 calendar days from the date the Affected Agency requests in writing a Mediation Board Hearing date to resolve a dispute. Additionally, the Board shall convene once per calendar year to receive an annual report from the Ontario Planning Director. All meetings shall be publicly noticed consistent with Ontario's public hearing procedures.

4.2.3 Mediation Board Actions for Non-Airport Projects: When deciding whether a proposed project is consistent with the *Compatibility Plan*, the Mediation Board has three action choices:

- (a) *Consistent*—Find that the proposed project is consistent with this *Compatibility Plan*.
- (b) *Conditionally Consistent*—Find that the proposed project is consistent with this *Compatibility Plan* subject to specified conditions or modifications.
- (c) *Inconsistent*—Find that the proposed project is inconsistent with this *Compatibility Plan*.

4.2.4 Mediation Board Action Choices for Airport Proposals: When making consistency determinations on a proposed planning and/or development action pertaining to ~~LA~~/Ontario International Airport (ONT), the Mediation Board has four action choices:

- (a) *Consistent*—Find that the airport plan is consistent with this *Compatibility Plan*.
- (b) *Conditionally Consistent*—Find that the airport plan is consistent with this *Compatibility Plan* subject to specified conditions or limitations on the airport plans or use.
- (c) *Inconsistent*—Find that the airport plan is inconsistent with this *Compatibility Plan*.
- (d) *Consistent Upon Compatibility Plan Revision*—Modify the *Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan—thereby making the airport plan consistent—or establish an intent to modify the *Compatibility Plan* at a later date.

4.2.5 Overriding Considerations: The compatibility criteria set forth in this *Compatibility Plan* are intended to be applicable to all locations within the ONT AIA. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. After due consideration of all the factors involved in such situations, the Mediation Board may find a normally incompatible use to be acceptable. In reaching such a decision, the Mediation Board shall document the nature of the extraordinary circumstances that warrant the policy exception and make the following specific findings:

- (a) That the proposed project will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the future occupants of the proposed use.
- (b) That the granting of a special condition exception is site specific and shall not be generalized to include other sites.

4.3 Overruling Mediation Board Decisions

4.3.1 General: If the Mediation Board determines that a proposed project is inconsistent with the *Compatibility Plan*, the Submitting Agency shall be notified and the governing body of that agency has the option under state law to overrule the Mediation Board decision. To do so, however, the Submitting Agency must make specific findings (see Section 4.3.2).

4.3.2 Findings: The agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as

stated in Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the Submitting Agency must make specific findings that the proposed project will not:

- (a) Impair the orderly, planned expansion of ~~LA~~/Ontario International Airport (ONT); adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums).
- (b) Expose the public to excessive noise and safety hazards.

4.3.3 **Notification and Voting Requirements:**

- (a) The Submitting Agency must provide a copy of the proposed decision and findings to overrule the Mediation Board 45 days prior to the hearing date, to the City of Ontario and California Division of Aeronautics, as required by State law (Public Utilities Code Section 21676).
- (b) The governing body of the Submitting Agency must hold a public hearing on the matter. The public hearing shall be noticed consistent with the Submitting Agency's established procedures.
- (c) A decision by the governing body to overrule the Mediation Board must be made by a vote of at least two-thirds of the body's members.
- (d) The Submitting Agency must include any comments received from any Affected Agency, Mediation Board, Division of Aeronautics, and the Federal Aviation Administration (FAA) in the public record of any final decision to overrule the Mediation Board.

Section 5: EVALUATING LAND USE CONSISTENCY

5.1 Evaluating Consistency of New Development

5.1.1 Evaluating Compatibility of Proposed Development: The compatibility of proposed projects within the ONT AIA shall be evaluated in accordance with the specific safety, noise, airspace protection, overflight policies, and special compatibility policies set forth in Section 6, including the criteria listed in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**, and the compatibility zones depicted in **Maps 2-2 through 2-5**.

5.2 Evaluation Tools

5.2.1 Safety and Noise Criteria Tables: **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria** list general land use categories and indicate each use as being either "normally compatible," "conditionally compatible," or "incompatible" depending upon the compatibility zone in which it is located. When evaluating a proposed development, each land use component of a project shall be evaluated as separate developments and must meet the criteria for the respective land use category in **Table: 2-2 Safety Criteria** and **Table 2-3: Noise Criteria**.

5.2.2 Evaluation Considerations:

- (a) Land uses not specifically listed in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria** shall be evaluated using the criteria for similar listed uses.
- (b) Multiple land use categories and the compatibility criteria associated with them may apply to a single project (e.g., mixed-use developments). Each land use component shall individually satisfy the criteria for the respective land use category in **Table: 2-2 Safety Criteria** and **Table 2-3: Noise Criteria** (see **Exhibit 2B**).

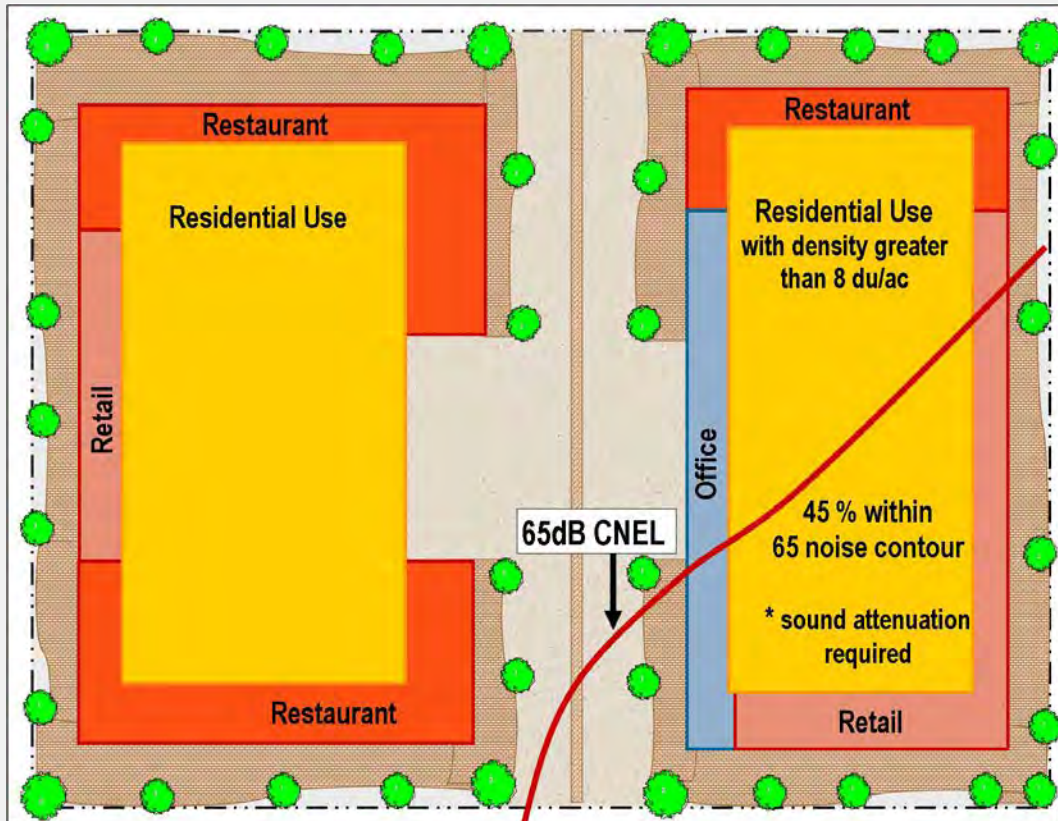
5.2.3 Land Use Compatibility Determinations:

- (a) **Normally Compatible** means that common examples of the use are compatible with the airport; uncommon examples of the use may require review to ensure compliance with compatibility criteria.
- (b) **Conditionally Compatible** means that the use is compatible if the listed conditions are met.
- (c) **Incompatible** means that the use should not be permitted under any circumstances.

5.2.4 Policies Pertaining to Special Compatibility Concerns: In addition to satisfying the compatibility criteria defined in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**, land use actions must comply with the specific safety, noise, airspace protection, overflight and special compatibility policies set forth in Section 6.

Exhibit 2B: Mixed-Use Development Example

In this example, the proposed mixed-use development includes four distinct types of land uses. Each land use component must be evaluated against the criteria for the respective land use category in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**:



Section 6: COMPATIBILITY POLICIES

6.1 Safety

6.1.1 Policy Objective: The intent of the safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events when they occur. The potential risks to people and property within the ONT AIA and to people on board the aircraft are considered.

Note: See Section 6.3, *Airspace Protection*, for land use features that can pose hazards to aircraft in flight

6.1.2 Safety Affected Agency: The safety compatibility policies and criteria of this section apply only to the City of Ontario since the safety zones are located solely within Ontario's city limits.

6.1.3 Factors Considered in Establishing Safety Zones: The principal factors considered in setting the policies applicable within each safety zone are:

- (a) **California Airport Land Use Planning Handbook:** The *California Airport Land Use Planning Handbook* (January 2002) provides risk information, accident data, and analyses for air carrier airports. The *Handbook* identifies the locations, delineated with respect to the airport runways, where aircraft accidents near air carrier airports have historically occurred and the relative concentration of accidents within these locations. These concentrations represent likely future risk levels. Furthermore, the *Handbook* recommends applying the most stringent land use controls to the areas with the greatest potential risks. The safety zones utilized for ONT reflect the *Handbook's* suggested zones for Large Air Carrier Runways.
- (b) **Specific Airport Features:** The existing ~~and ultimate~~ runway configuration, approach categories, normal flight patterns, and aircraft fleet mix for ONT are factors reflected in the safety zone shapes and sizes.
- (c) **Measures of Risk Exposure:** For the purposes of this *Compatibility Plan*, the risk that potential aircraft accidents pose to lands around ONT is defined in terms of the geographic distribution of where accidents are most likely to occur. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance must be placed on data about aircraft accident locations at similar airports nationally, refined with respect to information about the types and patterns of aircraft usage at the individual airport. This methodology, as further described in Appendix C, is used to delineate the safety zones for ONT shown in **Map 2-2: Safety Zones**.

6.1.4 Factors Considered in Setting Safety Policies: To minimize risks to people and property on the ground, the safety compatibility criteria in **Table 2-2: Safety Criteria** set limits on:

- (a) **Residential Uses:** The density of residential development is measured by the number of dwelling units per acre. Consistent with the *California Airport Land Use Planning Handbook* (2002) guidelines, a greater degree of protection is warranted for residential uses.

(b) **Nonresidential Uses:** The intensity of nonresidential development is measured by the number of people per acre concentrated in areas most susceptible to aircraft accidents.

6.1.5 Safety Zones for ~~LA~~/Ontario International Airport: The five safety zones depicted in **Map 2-2: Safety Zones** ~~are a composite of~~ reflects the existing and ultimate airfield configurations, the methodology for this approach is explained in Chapter 1 of this *Compatibility Plan*:

(a) **Safety Zones 1 - 5:** A composite set of safety zones were created for ONT to reflect ~~both~~ the existing ~~and ultimate~~ airfield configurations. ~~The safety zones for each configuration were combined to create one set of composite safety zones utilizing the most stringent conditions. The ultimate runway configuration shifts both runways south and east of their current alignments.~~

(b) **Safety Zone 1:** Safety Zone 1 reflects the airport's established Runway Protection Zones (RPZs) as shown in the Airport Layout Plans prepared by ~~Los Angeles World Airports (LAWA)~~ the Ontario International Airport Authority (OIAA) and the ~~Simplified Airport Diagram accepted by California Division of Aeronautics on July 2009 as the basis of this Compatibility Plan~~ (see **Exhibit 1-6** in Chapter 1).

(c) **Overlay Safety Zone 1A:** Overlay Safety Zone 1A was created to reflect the FAA's standard RPZ (1,000 feet inner width by 2,500 feet length by 1,750 feet outer width) beginning 200 feet beyond the west end of Runway 8L. (See Chapter 1 for additional RPZ discussion and Policy S5).

6.1.6 Safety Standards for New Development: To minimize risk-sensitive development in high-risk areas around ONT, the safety compatibility of new development shall be evaluated in accordance with the safety policies set forth in this section, including the criteria listed in **Table 2-2: Safety Criteria** and the safety zones depicted on **Map 2-2: Safety Zones**. Other policies may be applicable to uses of special concern (see **Policy S4**).

SAFETY POLICIES

S1 Residential Development: New residential development is incompatible within all Safety Zones (1 through 5). **Policies S1a** and **S1b** are exceptions to this policy, if applicable.

S1a Single-Family Home: The construction of a single-family home on a legal lot of record is allowed in Safety Zones 2, 3, and 4 if the use is permitted by the City of Ontario's land use regulations. See **Policy SP2** with regard to development by right.

S1b Second-Unit: A second-unit as defined by state law is allowed within Safety Zones 2, 3 and 4 if the use is permitted by the City of Ontario's land use regulations.

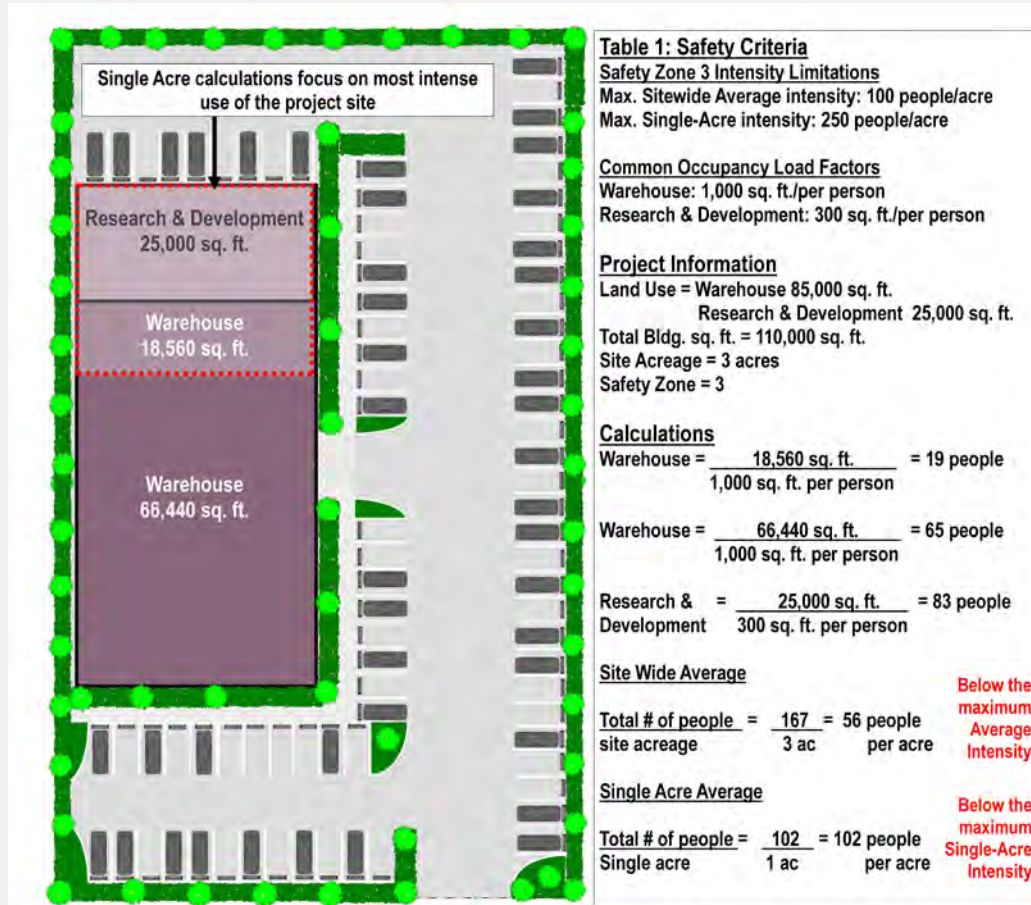
S1c Family Day Care: In accordance with state law, a family day care home serving 14 or fewer children may be established in any dwelling by the policies of this *Compatibility Plan*.

S1d Residential Mixed-Use Developments: New mixed-use developments will locate the residential component outside of all safety zones.

S2 Occupancy Limits For Nonresidential Development: **Table 2-2: Safety Criteria** indicates the usage intensity (number of people per acre) limit for each safety zone. The usage intensity limits represent the safety criteria for new nonresidential development. The usage intensity limits measure intensity in two forms: 1) Sitewide average intensity which sets intensity limits for the entire project site; and 2) Single-acre intensity which sets intensity limits on any single acre within the project site (see **Exhibit 2C** for a graphical example). As a condition of approval, all new nonresidential development within the Safety Zones shall comply with both forms of intensity limits as described further below.

Exhibit 2C: Land Use Intensity Calculation Example

In this example, both the sitewide and single-acre intensity of a proposed Research & Development (R&D) / warehouse facility is calculated using the common occupancy load factors [number of square feet per person] information in **Table 2-2: Safety Criteria** together with project-specific data. The results are then compared with the maximum sitewide and single-acre intensity limits to determine consistency of the project with the safety criteria.



- S2a Sitewide Average Intensity** is calculated by determining the total number of people expected to be on the site at any given time under normal operating conditions and dividing by the total number of acres of the project site.
- S2b Single-acre Intensity** of a proposed development is calculated by determining the total number of people expected to be within any one-acre portion of the site, typically the most intensively used building or part of a building. The 1.0-acre area calculations represent building footprints that are generally rectangular and not elongated in shape or, for buildings larger than 1.0 acre, represent a portion of the building.
- S2c Usage Intensity calculations** includes all people (e.g., employees, customers/visitors) who may be on the property at any single point in time during normal operating conditions, whether indoors or outdoors. **Table 2-2: Safety Criteria** indicates the normal occupancy load factor (number of square feet per person) and Floor Area Ratio (FAR) for many nonresidential uses. These numbers are interrelated with the intensity limits (number of people per acre) and can be used to calculate the usage intensity of a proposed project (see **Exhibit 2D**). Note that the safety criteria are the sitewide and single-acre intensity limits (number of people per acre). The occupancy load factors and FARs are provided as methods for calculating the intensity of a proposed project.

Exhibit 2D: Intensity Limits

The interrelationship between Intensity limit, normal occupancy load factor and Floor Area Ratio (FAR) is indicated in the two examples below. The examples reflect Zone 3 criteria: intensity limit of 100 people per acre, occupancy load factor of 200 square feet per person, and 0.46 FAR.

Example 1

200 square feet per person (occupancy load factor)
 \times 100 people per acre (intensity limit)
 20,000 square foot building
 \div 43,560 square feet per acre
 0.46 FAR

Example 2

43,560 square feet per acre
 \times 0.46 FAR
 20,000 square foot building
 \div 200 square feet per person (occupancy load factor)
 100 people per acre (intensity limit)

- 1. Occupancy Load Factors:** The occupancy load factors (minimum number of square feet per person) provided in **Table 2-2: Safety Criteria** vary from one land use to another. As shown in **Exhibit 2C**, the sitewide average usage intensity of a project having multiple uses can be calculated by:
 - ➔ Dividing the number of square feet of each component use by the number of square feet per person (occupancy load) for that use as indicated in **Table 2-2**;
 - ➔ Adding together the number of people for each component use; and
 - ➔ Dividing the total number of people by the total number of acres of the project site to get the sitewide average intensity.

- ➔ Where occupancy load factors are not indicated in the table or if the assumed occupancy load factor for a particular proposal or component thereof is not applicable to the project, then the number of occupants is estimated in another manner – for example, the number of seats and employees at a restaurant or the number of parking places times the vehicle occupancy for an industrial plant.
2. **Floor Area Ratios (FARs):** The allowable FAR is indicated in **Table 2-2: Safety Criteria** for a particular safety zone and vary from one land use to another. Each component use is calculated as occupying a share of the total project site equal to its percentage of the total floor area in the project. Mathematically, this means that the FAR for each component use will be the same as the FAR for the entire building.
 3. **Alternative Intensity Calculations:** An alternative method for measuring compliance with the usage intensity limits is acceptable. For example, a method based upon the City’s parking space requirements may be used together with an assumed number of people per vehicle as a means of determining the number of occupants for uses that are vehicle oriented (this method would not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation).
 4. **Mixed-Use Development:** Each component use within a nonresidential mixed-use development shall comply with Table 2-2: Safety Criteria unless the use is ancillary (less than 10% of total building floor area).
 5. **Ancillary Uses:** Up to 10% of the total floor area of a building may be devoted to an ancillary use of another type, including a use with a higher occupancy load factor that is shown as incompatible in **Table 2-2: Safety Criteria**. Ancillary uses may be excluded from the single-acre intensity calculations (but not the sitewide average intensity limits) provided that the ancillary use is neither:
 - ➔ An assembly room having more than 750 square feet of floor area (this criterion is intended to parallel Building Code standards) and a capacity of more than 50 people; nor
 - ➔ A children’s school (grades K–12), day care center or other risk-sensitive use that is “incompatible” within the safety zone where the primary use is to be located.
 6. **Uncommon Land Use Considerations:** If a particular development proposal is uncommon—that is, there would be more floor area per person and lower usage intensity—the local agency may consider that information in determining the safety compatibility of the proposal. In considering any such exceptions, the local agency shall also take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. Local agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.
 7. **Parcels within Multiple Safety Zones:** For the purposes of evaluating consistency with the usage intensity criteria set forth in **Table 2-2: Safety**

Criteria, any parcel that is split by safety zone boundaries shall be considered as if it were multiple parcels divided at the safety zone boundary line. However, the intensity of nonresidential development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This full or partial reallocation of intensity is permitted even if the resulting intensity in the less restricted area would then exceed the limits which would otherwise apply within that safety zone (see **Exhibit 2E**).

Exhibit 2E: Transferring Usage Intensity

An example of transferring usage intensity to the less restrictive safety zone is provided below.

Zone 3 intensity limit: 100 people per acre

Zone 4 intensity limit: 160 people per acre

Proposed intensity in Zone 3: 80 people per acre

Proposed intensity in Zone 4: 100 people per acre

* The proposed intensity for Zone 3 (80 people per acre) is encouraged to be transferred to Zone 4 for a total of 180 people per acre, even if it exceeds the Zone 4 intensity limit of 160 people per acre.

- S3 Land Use Event Exceptions:** The City of Ontario may make exceptions for “conditional” or “incompatible” land uses associated with rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
- S4 Land Uses of Special Concern:** Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. **Table 2-2: Safety Criteria** indicates the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the safety zones regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—i.e., allowed only if an alternate site outside of the safety zone would not work. When allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft. Land uses of particular concern and the nature of the concern are:
- S4a Land Uses Having Vulnerable Occupants:** These land uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations. These uses include:
- Children’s schools (grades K–12).
 - Day care centers (facilities with 15 or more children, as defined in the California Health and Safety Code).
 - Hospitals, health care centers, and similar facilities, especially where patients remain overnight.
 - Nursing homes.
 - Inmate facilities.

- S4b Hazardous Materials Storage:** Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity. Facilities in this category include:
- Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities (tank capacities greater than 6,000 gallons) of hazardous materials generally for shipment elsewhere.
 - Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use (tank capacities greater than 6,000 gallons).
- S4c Critical Community Infrastructure:** The damage or destruction of public infrastructure facilities which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Among these facilities are:
- Emergency services facilities such as police and fire stations.
 - Emergency communications facilities, power plants, and other utilities.
- S5 Overlay Safety Zone 1A:** New development proposed within Overlay Safety Zone 1A is encouraged to locate buildings outside the overlay zone, when feasible, otherwise utilize the intensity limits of the underlying Safety Zone.
- S6 Avigation Easements:** The City of Ontario shall require dedication of an avigation easement as a condition for approval of all proposed development situated off-airport within Safety Zones 1 through 5 in accordance with **Policy SP1** (see Section 6.5). The Safety Zones and this policy affect only the City of Ontario.

6.2 Noise

- 6.2.1 Policy Objective:** The purpose of noise compatibility policies is to avoid the establishment of noise-sensitive land uses in the portions of the ONT AIA that are exposed to significant levels of aircraft noise.
- 6.2.2 Noise Affected Agencies:** The noise impact zones for ONT affect lands within the Cities of Chino, Fontana, Montclair, and Ontario and unincorporated areas of the Counties of San Bernardino and Riverside. The noise compatibility policies and criteria of this section apply only to the jurisdictions and special entities (e.g., school districts) in San Bernardino County.
- 6.2.3 Factors Considered in Establishing Noise Impact Zones:** The factors considered in setting the policies within each noise impact zone are:
- (a) **Measures of Noise Exposure:** The magnitude of the airport-related noise to which properties near ONT are exposed must be measured in terms of Community Noise Equivalent Level (CNEL).
 - (b) **Noise Contours:** In accordance with state law, the planning time frame utilized in this *Compatibility Plan* extends at least 20 years into the future. The noise contours depicted herein represent the greatest annualized noise impact,

measured in terms of CNEL, anticipated to be generated by the airport over the planning time frame.

6.2.4 Factors Considered in Setting Noise Policies: The factors considered in setting the noise policies for this section and the criteria in **Table 2-3: Noise Criteria** are described below. These factors must also be considered when conducting compatibility assessments of individual development projects.

- (a) **Noise Regulations:** State regulations and guidelines, including noise compatibility recommendations in the *California Airport Land Use Planning Handbook* (2002) provide the foundation for the noise policies.
- (b) **Ambient Noise levels:** Ambient noise levels influence the potential intrusiveness of aircraft noise upon land uses within a community. Ontario is characterized as an urban community with higher ambient noise levels than that of a suburban community. Highway and rail noise contribute significantly to the ambient noise levels in the community.
- (c) **Noise-Sensitive Uses:** The extent to which noise would intrude upon and interrupt the activity associated with a particular use affects whether the use is compatible with a particular noise exposure.
- (d) **Noise-Generating Uses:** Land uses with operating conditions that generate noise are typically more compatible with high external noise exposure than uses that are internally quiet.
- (e) **Outdoor Uses:** The extent of outdoor activities associated with a particular land use, especially activities for which quiet is important, is a key determinant of noise exposure compatibility because the sound attenuation that a structure would provide does not exist. Outdoor activities are particularly susceptible to aircraft overflight noise in that sound walls and other devices that can serve as shields from highway, railroad, and other ground-level noises are not practical.
- (f) **Sound Attenuation:** Indoor uses associated with a particular land use that would otherwise be incompatible may be made consistent with this *Compatibility Plan* with the application of sound attenuation standards in accordance with **Policy N4**.
- (g) **Single-event noise levels:** Single-event noise levels are taken into account in **Table 2-3: Noise Criteria** with respect to the acceptability of highly noise-sensitive land uses. Single-event noise levels are considered when assessing the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Single-event noise levels are especially important in areas that are regularly overflowed by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for ONT must be considered in the review process. Acoustical studies or on-site noise measurements could also be required to assist in determining the compatibility of sensitive uses.

6.2.5 Noise Impact Zones for ONT: The noise impact zones depicted in **Map 2-3** were prepared for ONT in conjunction with the master planning efforts conducted by Los

Angeles World Airports (LAWA) in the mid 2000s. The noise exposure contours represent ~~a composite of two sets of projected noise contours reflecting two forecast scenarios.~~ The “No Project” scenario and reflects the existing runway configuration and a 2030 forecast of 343,000 annual operations. ~~The “Proposed Project” scenario reflects the ultimate runway configuration and a 2030 forecast of 465,000 annual operations. Aircraft activity data upon which the contours are based are summarized in Chapter 1 of this Compatibility Plan.~~ The City of Ontario, as the agency responsible for this *Compatibility Plan*, should periodically review the projected CNEL contours and, in conjunction with LAWA/OIAA, update them as necessary to ensure that they continue to have a future time horizon of at least 20 years.

- 6.2.6 Noise Standards for New Development:** To minimize noise-sensitive development in noisy areas around ONT, new development should be evaluated in accordance with the policies set forth in this section, including the criteria listed in **Table 2-3: Noise Criteria** and the noise impact zones depicted on **Map 2-3: Noise Impact Zones**.

NOISE POLICIES

- N1 Residential Development:** New residential development is incompatible within the projected CNEL 65 dB contour of ONT except as described in Policy N2 and SP3e.
- N2 Residential Development Exceptions:** The following types of residential developments are allowed within the CNEL 65 dB contour, if the structure is capable of attenuating exterior noise from all noise sources to an indoor CNEL of 45 dB or less.
- N2a Multi-Family Residential:** Multi-family residential is allowed within the CNEL 65 dB contour if the development can achieve a density that is greater than 8 dwelling units per acre and incorporate interior common space and recreational facilities.
- N2b Caretaker’s Unit:** A caretakers unit that is ancillary to a primary use located within the projected CNEL 65 dB contour should be deemed compatible with this *Compatibility Plan* provided that there is no more than 1 dwelling unit.
- N2c Existing Residential Lots:** Exceptions are provided for existing residential lots (see **Policy SP2** with regard to development by right).
- N2d Composite Industrial/Residential Use:** A single-family residential use combined with an industrial land use should be deemed compatible within the projected CNEL 65 dB contour due to the high ambient noise levels generated by the industrial use. However, new structures developed for residential purposes should achieve noise attenuating standards consistent with the California Building Code.
- N3 Non-residential Development:** New nonresidential development is incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. The applicable criteria are indicated in **Table 2-3: Noise Criteria**.

N4 Maximum Interior Noise Level: To the extent that the criteria in **Table 2-3: Noise Criteria** and other policies herein permit the development, land uses with interior activities that may be easily disrupted by aircraft noise should be required to incorporate exterior-to-interior noise level reduction (NLR) design features for all new structures. The land uses listed in **Policies N4a** and **N4b** are considered acceptable if proper sound attenuation standards are applied and the maximum interior noise level indicated in **Policies N4a** and **N4b** are not exceeded.

N4a CNEL 45 dB Interior Noise Level

- Any habitable room of single- or multi-family residences.
- Hotels, motels, and other lodging.
- Hospitals, nursing homes, and related uses where patients remain overnight.
- Places of worship, meeting halls, theaters, and mortuaries.
- Schools, libraries, and museums.

N4b CNEL 50 dB Interior Noise Level

- Offices and office areas of industrial facilities.
- Eating and drinking establishments.
- Retail centers and stores.
- Miscellaneous other uses as listed in **Table 2-3: Noise Criteria**.

N4c Noise Attenuation Criteria: Where **Table 2-3: Noise Criteria** indicates that buildings associated with a particular land use must be capable of attenuating exterior noise to the specified maximum interior noise level, acoustical data documenting that the structure will be designed to comply with the criteria should be provided. The noise impact zones depicted in **Map 2-3** should be used in calculating compliance with these criteria. The calculations should assume that windows are closed.

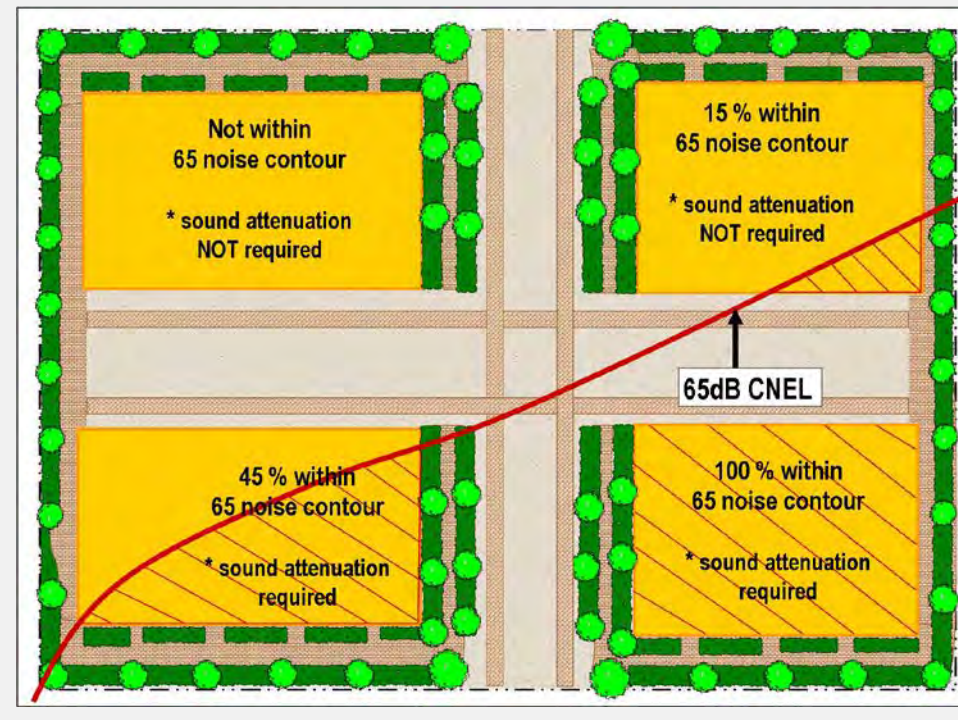
N4d Noise Attenuation Exceptions: Exceptions to the interior noise level criteria set in **Policy N4a** may be allowed if evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

N4e Parcels with Multiple Noise Contour Ranges: When a proposed building lies within multiple CNEL range zones (e.g., partly in 60-65 dB and partly in 65-70 dB), the higher range zone should apply for the purposes of determining sound attenuation requirements unless less than 25% of the building floor area is within the least restrictive zone. In such case, the lower range zone may be used. See **Exhibit 2F** for graphical example.

N5 Avigation Easements: The City of Ontario shall require dedication of an avigation easement in accordance with **Policy SP1** as a condition of approval for proposed noise-sensitive developments situated within the City of Ontario portion of the CNEL 65 dB. Affected Agencies that have authority over lands elsewhere within CNEL 65 dB contour are encouraged to establish a similar requirement for development within their jurisdictions.

Exhibit 2F: Interior Noise Limit Requirement Example

In this example, the proposed buildings with less than 25% of the building floor area ratio in the 65 dB CNEL contour does not require noise insulation. Interior noise limit requirements are provided for each land use category in Table 2-2: Safety Criteria.



6.3 Airspace Protection

- 6.3.1 Policy Objective:** Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to aircraft in flight and have the potential for causing an aircraft accident to occur. Such hazards may be physical, visual, or electronic.
- 6.3.2 Affected Agencies:** Considering the topography within the AIA, the airspace protection zones for ONT primarily affect lands within the Cities of Ontario, Rancho Cucamonga, and Upland. The Cities of Chino, Fontana, and Montclair and unincorporated areas of San Bernardino County are affected to a lesser extent. Portions of the airspace protection zones also extend into the Counties of Riverside and Los Angeles however Airspace protection policies are only informational.
- 6.3.3 Factors Considered in Establishing Airspace Protection Zones:** The principal factors considered in setting the airspace protection zones are:
- Federal Regulations:** Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, set the requirements for notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration projects (Subpart B, *Notice of Construction or Alteration*) and establish standards for determining obstructions to navigable airspace (Subpart C, *Obstruction Standards*). The airspace protection zones for ONT also considered the *United States Standard for Terminal Instrument Procedures* (TERPS), the One-Engine Inoperative (OEI)

obstacle identification surface and other applicable obstruction clearance standards published by the FAA in Advisory Circular 150/5300-13, Change 15. **Appendix B** provides a copy of FAR Part 77.

- (b) **Specific Airport Features:** The current ~~and ultimate~~ runway alignments with precision approaches to all runway ends, OEI obstacle identification surfaces associated with the existing ~~and future~~ departure procedures, and the TERPS surfaces for the existing approach procedures at ONT were also considered. The TERPS surfaces for the ultimate runway are not considered as the FAA establishes these surfaces for specific instrument approach procedures.
- (c) **High Terrain Zone:** Objects in high terrain areas are closer to the airport's airspace surfaces and thus have a greater potential of creating airspace hazards. In accordance with FAR Part 77, Subpart B, a proposed structure which would penetrate the Part 77 airspace surfaces would be considered an airspace obstruction and thus requires an aeronautical review by the FAA. However, Section 77.15 of the regulations stipulate that FAA review is not required for new structures that would penetrate the airport's airspace surfaces if the proposed structure would be shielded by existing structures of a permanent and substantial character of equal or greater height. In 2010, the City of Ontario surveyed the heights of existing structures within the High Terrain Zone area to establish a height threshold for future objects (see Appendix J). The survey revealed that existing structures within the high terrain areas north of ONT have heights of up to 70 feet above ground. This information is considered when delineating the High Terrain Zone described in Section 6.3.5(d).

6.3.4 Factors Considered in Setting Airspace Protection Policies: The factors considered in setting the airspace protection policies in this section are described below. These factors should also be considered when conducting compatibility assessments of individual development projects. The factors are:

- (a) **Federal and State Regulations:** The airspace protection policies outlined in this section are based upon and intended to help implement the regulations enacted by the FAA and the State of California. State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.
- (b) **Flight Hazards:** The FAA has well-defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. However, the FAA has no authority to prevent creation of such hazards. That authority rests with state and local governments. There are three categories of flight hazards: physical, visual, and electronic.
 - ➔ Height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
 - ➔ Land use features that have the potential to attract birds and certain other wildlife to the airport area also need to be evaluated as a form of physical hazard.
 - ➔ Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, thermal plumes, or smoke.

- ➔ Electronic hazards are ones that may cause interference with aircraft communications or navigation.
- (c) **Airspace Obstructions:** The criteria for determining the acceptability of a project with respect to height are based upon the standards set forth in: Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, Subpart C, Obstruction Standards; the United States Standard for Terminal Instrument Procedures (TERPS); the One-Engine Inoperative (OEI) obstacle identification surface and other applicable airport design standards published by the FAA.
- (d) **OEI and TERPS Surfaces:** The OEI and TERPS surfaces associated with the current instrument approach and departure procedures at ONT are a significant airspace protection factor. In some locations, these surfaces establish height limitations lower than the FAR Part 77 surfaces used by the FAA in evaluating airspace obstructions.
- (e) **Local Topography:** The topography underlying the airport's airspace surfaces is a significant factor in determining the allowable height of a structure. The terrain north of ONT slopes upwards towards the San Gabriel Mountains, thereby reducing the allowable heights of objects in those areas. In the high terrain areas north of ONT, the heights of existing structures (natural or manmade) that are of a permanent and substantial character are considered in establishing the allowable heights of future objects. Appendix J documents the heights of existing structures within the High Terrain Zone.

6.3.5 Airspace Protection Zones for ONT: The airspace protection zones depicted in **Map 2-4** were prepared for ONT in accordance with Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace; the United States Standard for Terminal Instrument Procedures (TERPS), the One-Engine Inoperative (OEI) obstacle identification surface and other applicable obstruction clearance standards published by the Federal Aviation Administration (FAA) in Advisory Circular 150/5300-13, Change 15.

- (a) **FAA Height Notification Surface:** Established in accordance with FAR Part 77, Subpart B, this airspace surface extends outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the airport runways.
- (b) **Airspace Obstruction Surfaces:** Includes the controlling portions of the FAR Part 77, Subpart C, TERPS, and OEI surfaces extending out to a point where these surfaces terminate at the outer limits of the FAA Height Notification Surface. Objects which penetrate these surfaces are subject to airspace evaluation by the FAA and the ONT Inter-Agency Notification Process. Objects which penetrate the Approach/Departure Surfaces which extend beyond the FAA Height Notification Surface require evaluation by the FAA but would not be subject to the ONT Inter-Agency Notification Process.
- (c) **Allowable Heights:** To determine the allowable heights of future objects, the underlying ground elevation is compared with the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces. These are depicted as color bands in Policy Map 2-4, each color band represents a range of distance, measured in vertical feet, between the ground and overlying surface.

- (d) **High Terrain Zone:** Based on a height survey conducted by the City of Ontario in 2010, existing objects within the high terrain areas north of ONT have heights of up to 70 feet (see Appendix J). Therefore, the High Terrain Zone is delineated to include portions of the FAR Part 77, Subpart C, airspace surfaces where the ground either penetrates or lies within 70 feet of the airspace surface.
- (e) **Airspace Avigation Easement Area:** Includes portions of the FAR Part 77, Subpart C, approach and transitional airspace surfaces and the TERPS and OEI surfaces extending out to a point where these surfaces intersect the horizontal surface, which is situated 150 feet above the airport elevation of 944 feet MSL.

6.3.6 Airspace Protection Standards for New Development: The airspace protection compatibility of proposed land uses within the AIA of ONT should be evaluated in accordance with the policies in this section, including the existing and future airspace protection surfaces depicted in **Map 2-4**.

AIRSPACE PROTECTION POLICIES

A1 FAA Height Notification Surface: Except as provided in **Policy A2b**, if a project contains proposed structures or other objects that would penetrate the FAA Height Notification Surface for ONT, the project proponent should submit notification of the proposal to the FAA, as required by the provisions of FAR Part 77, Subpart B, and by the California Public Utilities Code, Sections 21658 and 21659. The FAA will conduct an “aeronautical study” of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. A copy of the completed FAR Part 77 notification form submitted to the FAA and the resulting FAA aeronautical study findings should be supplied to the local jurisdiction by the project proponent. The results of the FAA aeronautical study should be taken into account by the local agency when conducting compatibility reviews of the proposed project. A copy of the FAA notification form and online submittal procedures are provided in **Appendix B**. A requirement for submitting notice to the FAA does not necessarily result in a requirement that the proposed object also be reviewed under the ONT Inter-Agency Notification Process. Proposed objects are subject to the ONT process only as specified in Policy A2. The FAA notification requirements apply to the following:

- A1a Penetrations to the FAA Height Notification Surface:** With limited exceptions, the FAA requires notification for all objects which penetrate the FAA Height Notification Surface, including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.
- A1b Structures in Excess of 200 feet:** The FAA requires that it be notified about any proposal to construct or alter a structure that would be taller than 200 feet above the ground level regardless of the structure’s proximity to ONT or any other airport.
- A1c FAR Part 77 Notification:** FAA requires project proponents to submit notification of the proposal where required by the provisions of FAR Part 77, and by the California Public Utilities Code, Sections 21658 and 21659. See

Appendix B for FAA notification requirements and online submittal process of Form 7460-1, *Notice of Proposed Construction or Alteration*.

A2 **Airspace Obstruction Surfaces:** Except as provided in **Policies A2a** and **A2b**, no object should have a height that would result in a penetration of the Airspace Obstruction Surface depicted for ONT in **Map 2-4**. Any object that penetrates the Airspace Obstruction Surface and is located outside of the High Terrain Zone should satisfy the conditions set forth in **Policy A2a**. These requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

A2a **Airspace Obstacle Criteria and Review Process:** Except as indicated in **Policy A2b**, a proposed object having a height that penetrates ONT's airspace obstruction surfaces is subject to the ONT Inter-Agency Notification Process and should be allowed only if all of the following apply:

- The FAA conducts an aeronautical study of the proposed object and determines that the object would not be a hazard to air navigation.
- FAA or other expert analysis conducted under the auspices of the ~~Los Angeles World Airports (LAWA)~~ Ontario International Airport Authority (OIAA), as the airport owner, concludes that, despite being an airspace obstruction, the object would not cause any of the following:
 - An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
 - A reduction of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
 - A conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or en route navigation to and from the airport.
- Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed (Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, or any later guidance).
- An aviation easement is dedicated in accordance with **Policy SP1** to the ~~LAWA-OIAA~~ as owner of the airport.
- The proposed project complies with all policies of this *Compatibility Plan* related to noise and safety compatibility.

A2b **High Terrain Zone Exception:** The High Terrain Zone is confined to portions of Upland, Ontario and Rancho Cucamonga (**Map 2-4**). A proposed structure of up to 70 feet in height (subject to local agency zoning limits) is exempt from the ONT Inter-Agency Notification Process, even if it penetrates the Part 77 airspace surfaces and thus constitute an airspace obstruction, as the object would be shielded by existing structures of a permanent and substantial character of equal or greater height. Submitting notice of the proposed project to the FAA for an airspace evaluation in

accordance with FAR Part 77, Subpart B, is at the discretion of the project applicant. Dedication of an avigation easement is required in accordance with **Policy SP1**.

A3 Flight Hazards: Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport should be prohibited within the AIA consistent with FAA rules and regulations. To resolve any uncertainties with regard to the significance of flight hazards, local agencies should consult with the FAA, California Division of Aeronautics, and/or ONT officials. Specific characteristics to be avoided include:

- ➔ Sources of glare (such as from mirrored or other highly reflective buildings or building features) or bright lights (including search lights and laser light displays).
- ➔ Distracting lights that could be mistaken for airport lights.
- ➔ Sources of dust, steam, or smoke that may impair pilots' vision.
- ➔ Sources of steam or other emissions that cause thermal plumes or other forms of unstable air.
- ➔ Sources of electrical interference with aircraft communications or navigation.
- ➔ Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to FAA Advisory Circulars 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

A4 Avigation Easements: In accordance with **Policy SP1**, the City of Ontario shall require dedication of an avigation easement as a condition of approval for proposed development that either penetrates the Airspace Obstruction Surfaces (see **Policy A2a**) or is situated within the High Terrain Zone (see **Policy A2b**) or Airspace Avigation Easement Area (see **Policy SP1**). Affected Agencies that have the authority over other lands elsewhere within these airspace protection areas are encouraged to establish a similar requirement for new development within their jurisdictions.

6.4 Overflight

6.4.1 Policy Objective: Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise impacts addressed by the policies in Section 6.2. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the

Note: Overflight policies and criteria are informational for Riverside and Los Angeles Counties

affected areas. Overflight compatibility is particularly important with regard to residential land uses.

6.4.2 Affected Local Agencies: The overflight zones for ONT affect the Cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, and Upland and unincorporated areas of San Bernardino County. Portions of the Cities of Claremont and Pomona in Los Angeles County and the unincorporated areas of Riverside County are also within the overflight zones. The overflight policies of this section apply only to the jurisdictions and other entities in San Bernardino County.

6.4.3 Factors Considered in Establishing Overflight Zones:

- (a) **State Law:** State statutes (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) define an AIA as “the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”
- (b) **Measures of Overflight Exposure:** The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The boundary of the overflight area for ONT, as depicted on **Map 2-5**, is drawn to encompass locations where aircraft approaching and departing the airport typically fly at an altitude of 3,000 feet or less, together with locations underlying the airspace protection and height notification surfaces.

6.4.4 Factors Considered in Setting Overflight Compatibility Criteria: Factors include:

- (a) **Limitations of Local Agency Authority over Existing Uses:** To be most effective, overflight policies should apply to transactions involving existing land uses, not just future development. However, local agencies have little authority to set requirements for existing development. The intent of this policy is to define, on an advisory basis, the boundaries within which required real estate transfer disclosure under state law is appropriate. Implementing the real estate transaction disclosure requirement is the responsibility of the property owner and real estate agent. The local agency is responsible only for providing a map to a property owner or real estate agent that defines the areas within which the real estate disclosure requirement should be applied.
- (b) **Limitations of California Real Estate Transaction Disclosure Law:** State law applies to existing development, but not to all transactions. Specifically, California state statutes (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an AIA. The Business and Professions Code applies the disclosure requirement to the sale or lease of newly subdivided lands and condominium conversions and to the sale of certain existing residential property. The Civil Code applies the disclosure requirement to existing residential property transfers only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.

- (c) **Need for Continuity of Notification to Future Property Owners and Tenants:** To the extent that this *Compatibility Plan* sets notification requirements for new development, the policy should ensure that the notification runs with the land and is provided to prospective future owners and tenants. These types of notifications are described in **Policy SP1**, Avigation Easements and **Policy O1**, Recorded Overflight Notification.
- (d) **Inappropriateness of Avigation Easement Dedication Solely for Buyer Awareness Purposes:** Avigation easements involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. While avigation easements also provide a form of buyer awareness, property rights conveyance is not needed solely for buyer awareness purposes.

6.4.5 Overflight Notification Zones for ONT: The boundaries of the overflight notification zones around ONT are shown on **Map 2-5** and include:

- (a) **Avigation Easement Dedication:** The boundary identifies the high-risk, noise-impacted, and critical airspace protection areas of ONT. Although not strictly an overflight notification boundary, the Avigation Easement Dedication boundary is established in accordance with **Policy SP1** and reflected on the **Map 2-5**.
- (b) **Recorded Overflight Notification:** The boundary identifies the primary overflight area for the airport. The policy boundary matches the CNEL 60 dB noise impact zone depicted on **Map 2-3**. The Recorded Overflight Notification boundary encompasses the traffic pattern areas where aircraft typically fly at altitudes of less than 2,500 feet above ground level.
- (c) **Real Estate Transaction Disclosure:** The boundary, which reflects the ONT AIA, encompasses areas underlying the common aircraft traffic patterns where aircraft are typically flying at altitudes of 3,000 feet or less. The AIA also includes the areas underlying the Height Notification Surface and Airspace Obstruction Surfaces defined for ONT in **Map 2-5**. The policy boundary follows roads and government boundary lines where practical.

6.4.6 Overflight Policies: Unlike the function of the noise, safety, and airspace protection compatibility policies in this *Compatibility Plan*, the overflight compatibility policies set forth in this section do not restrict the manner in which land can be developed or used. The policies in this section serve only to establish the language and recommended geographic coverage for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development.

OVERFLIGHT POLICIES

- O1 Recorded Overflight Notification:** The City of Ontario shall require the recording of an overflight notification running with the land as a condition for approval of new residential development that falls within CNEL 60 dB noise contour, as depicted in **Map 2-5**. Affected Agencies having authority over other lands elsewhere within this

noise contour are encouraged to establish a similar requirement. Other conditions include:

- O1a Notification Language:** The overflight notification should contain language dictated by state law with regard to real estate transaction disclosure (see **Policy O2a**) and should be formatted similar to the example shown in Appendix E.
 - O1b Property Deed Recording:** The overflight notification should be evident to future purchasers of the property by appearing on the property deed.
 - O1c Avigation Easement Exception:** A separate recorded overflight notification is not required where an avigation easement is provided in accordance with **Policy SP1**.
 - O1d Nonresidential Exception:** Recording of an overflight notification is not required for nonresidential development unless the project is a mixed-use development containing residential uses on the same property.
- O2 Real Estate Transaction Disclosure:** Airport proximity disclosure information should be provided in accordance with state law (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353. See Section 6.4.4 (b) and Appendix A for information on these laws.
- O2a Disclosure Language:** State Law provides the following disclosure 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.
 - O2b Airport Influence Area:** Consistent with state law, as the entity authorized to prepare the *Compatibility Plan* for ONT, the City of Ontario in coordination with other affected jurisdictions deems airport proximity disclosure to be appropriate within the AIA identified on **Maps 2-1** through **2-5**. The AIA boundary is identical on each map.
 - O2c Responsibility of Local Jurisdictions:** Local jurisdictions should make available to property owners and the public a copy of **Map 2-5: Overflight Zones** depicting the AIA boundary in which the airport proximity disclosure is required.

6.5 Special Compatibility

- 6.5.1 Special Compatibility Policies:** These policies are intended to address unique land use concerns.

SPECIAL COMPATIBILITY POLICIES

SP1 Avigation Easement Dedication: An avigation easement should be dedicated to the owner/operator of ONT for new development as specified in **Policies SP1a** and **SP1b**. An example of an avigation easement is provided in Appendix E.

SP1a Avigation Easement Dedication Requirements: Within portions of the AIA inside the City of Ontario, avigation easement dedication shall be required for new development requiring discretionary as described below. Affected Agencies having authority over comparable affected portions of the AIA are encouraged to establish similar requirements. However, an avigation easement dedication is not considered necessary for ministerial actions as defined by each jurisdiction. **Map 2-5**, depicts the locations where an avigation easement dedication would be appropriate.

- ➔ *Safety Zones:* All new development within Safety Zones 1 through 5 as depicted on **Map 2-2**. (Safety zones contained solely within the City of Ontario)
- ➔ *Noise Impact Zones:* Development of new noise-sensitive land uses within the CNEL 65 dB noise contour depicted on **Map 2-3**. Noise sensitive land uses include residential, schools(public and private), places of worship, hospitals and convalescent homes. (The projected CNEL 65 dB noise contour extends into portions of the Ontario, Fontana and unincorporated portions of San Bernardino County.)
- ➔ *Airspace Protection Zones:* All new development in locations beneath the critical portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface. (Located solely within the City of Ontario, see Airspace Avigation Easement Area on **Map 2-4**.)
- ➔ *High Terrain Zone:* All new development within the High Terrain Zone as depicted in **Map 2-5**. (Applies to portions of the City of Ontario, Upland and Rancho Cucamonga.

SP1b Avigation Easement Purpose: The avigation easement should do the following:

- ➔ *Right of Flight:* Provide the right of flight in the airspace above the property.
- ➔ *Noise Impacts:* Allow the generation of noise and other impacts associated with aircraft overflight.
- ➔ *Physical Hazards:* Restrict the height of structures, trees and other objects in accordance with the policies in Section 6.3 and the airspace protection surfaces depicted on **Map 2-4**.
- ➔ *Obstruction Marking:* Permit access to the property, with appropriate advance notice, for the removal or aeronautical marking of objects exceeding the established height limit.
- ➔ *Other Airspace Hazards:* Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

- SP2 Development by Right:** Other than in Safety Zones 1 and 5 and within the projected CNEL 70 dB contour of the airport, nothing in these policies prohibits the types of development specified in **Policies SP2a, SP2b, and SP2c.**
- SP2a Residential Uses:** Construction of a single-family detached home, including a second unit as defined by state law, on a legal lot of record as of the date of adoption of this *Compatibility Plan* is acceptable if such use is permitted by local land use regulations.
- SP2b Existing Uses:** Construction of other types of uses is permitted if local agency approvals qualify the development as an existing land use (see Section 1.3.2 for definition of an existing land use). In accordance with **Policies N4**, sound attenuation should be required.
- SP2c Lot Line Adjustments:** Lot line adjustments are permitted provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in the **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria.**
- SP3 Infill:** Within the AIA, infill development of nonconforming land uses should be allowed to occur provided that the following conditions and restrictions are met:
- SP3a Safety Zone 1 Restriction:** No type of infill development should be permitted in Safety Zone 1 (the runway protection zones and within the runway primary surface).
- SP3b Safety Zones 1, 2 and 5 Residential Restriction:** Residential infill development should not be permitted within Safety Zones 1, 2, and 5. See **Policy S1** for exceptions.
- SP3c Safety Zone 3 and 4 Density Residential Restriction:** For infill residential development in Safety Zones 3 and 4, the average development density (dwelling units per acre) of the site should not exceed the median density represented by all existing residential lots that lie fully or partially within a distance of 1,000 feet from the boundary of the defined infill area.
- SP3d Nonresidential Development :** For nonresidential infill development, the average sitewide usage intensity (the number of people per acre) of the site's proposed use should not exceed the lesser of the two intensity results (See **Exhibit 2G** for example) :
- ➔ Option 1: The median intensity of all existing nonresidential uses that lie fully or partially within a distance of 1,000 feet from the boundary of the defined infill area; or
 - ➔ Option 2: Double the intensity permitted in accordance with the criteria for that location as indicated in **Table 2-2: Safety Criteria.**
- SP3e Residential Noise Restriction:** Residential infill development should not be allowed in areas exposed to exterior noise levels equal to or greater than CNEL 70 dB.
- SP3f Other Applicable Policies for Infill Development:** The single-acre intensity limits described in **Policy S2** and listed in **Table 2-2: Safety Criteria** are applicable to infill development. Also, the sound attenuation and

avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively, should apply to infill development.

SP4 Nonconforming Uses: The policies within this *Compatibility Plan* do not apply to existing land uses even if those uses are not in conformance with the compatibility criteria set forth in this *Compatibility Plan*. Local jurisdictions have limited ability to cause reduction or removal of incompatible land uses from the AIA. However, proposed changes to existing uses that would change or result in increased nonconformity with the compatibility criteria are subject to the provisions of this chapter and the requirements of the Alternative Process set forth in Section 2 of this *Compatibility Plan*. Specifically, proposed changes to existing nonconforming uses (including a parcel or building) are limited as follows:

SP4a Residential uses: A nonconforming residential land use may be continued, sold, leased, or rented without restriction or review.

SP4b Nonconforming Single-family: A nonconforming single-family dwelling may be maintained, remodeled, reconstructed (see **Policy SP5a**) or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with **Policy SP2**. The above noted property improvements may occur if improvements do not increase the number of units and lot line adjustments do not result in allowing for additional dwelling units. Examples include:

- ➔ Any remodeling, reconstruction, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
- ➔ A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.

SP4c Nonconforming Multi-family (> 8 du/ac): Nonconforming multi-family residential dwelling units may be maintained, remodeled, or reconstructed (see **Policy SP5a**). The size of individual dwelling units may be increased, but additional dwelling units may not be added. The sound attenuation and avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively, apply.

Exhibit 2G

Nonresidential Infill Calculation Examples

Example 1:

Option 1: Median intensity of existing nonresidential uses = 150 people per acre

Option 2: Double the intensity permitted in Zone 3 = $100 \times 2 = 200$ people per acre

* The intensity limit for the proposed development is 150 people per acre (the lesser of the two results)

Example 2:

Option 1: Median intensity of existing nonresidential uses = 225 people per acre

Option 2: Double the intensity permitted in Zone 3 = $100 \times 2 = 200$ people per acre

* The intensity limit for the proposed development is 200 people per acre (the lesser of the two results)

SP4d Nonresidential uses: A nonconforming, nonresidential use may be continued, sold, leased, or rented without restriction or review. Nonconforming, nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see **Policy SP5**). However, any such work:

- ➔ Should not result in expansion of either the portion of the site devoted to the nonconforming use or the floor area of the buildings; and
- ➔ Should not result in an increase in the usage intensity (the number of people per acre) above the levels existing at the time of approval of this *Compatibility Plan* by California Division of Aeronautics.

SP4e Schools: Children's schools (including grades K-12, day care centers with more than 14 children, and school libraries) may be continued, reconstructed (see **Policy SP5**), expanded with the following restrictions per State Law:

- ➔ Land acquisition for new schools or expansion of existing schools is not permitted within the CNEL 65 dB contour as depicted in Map 2-3. Land acquisition for new schools or expansion of existing schools is not permitted in any safety zone (see Map 2-4).
- ➔ Replacement or expansion of buildings at existing schools is also not allowed in any safety zone, except that in Safety Zone 4 an expansion that accommodates no more than 50 students is allowed. This limitation does not preclude work required for normal maintenance or repair.

SP4f Other Applicable Policies for Nonconforming Development: As a condition of local agency approval, a proposed modification of an existing nonconforming development is subject to the sound attenuation and avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively.

SP5 Reconstruction of Nonconforming Uses: An existing nonconforming building, structure, or use that has been partially or completely destroyed as the result of a fire, flood or natural disaster may be rebuilt under the conditions listed in **Policies SP5a** through **SP5c** so long as it does not violate local ordinances. The requirements listed in this policy do not restrict normal maintenance and repairs as defined by the local jurisdiction.

SP5a Residential: Nonconforming residential uses may be rebuilt provided that the reconstruction does not result in more dwelling units than existed on the parcel at the time of the damage. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local zoning regulations.

SP5b Nonresidential: A nonconforming nonresidential development may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre).

SP5c Reconstruction Requirements: The reconstruction of nonconforming uses listed in **Policies SP5a** and **SP5b** should comply with the following requirements:

- A permit to rebuild the structure should be obtained by the local agency within twenty-four (24) months of the date the damage occurred.
- New structures should incorporate sound attenuation features consistent with **Policy N4** and California Noise Standards.
- The property should be required to dedicate an avigation easement to the ~~Los Angeles World Airports~~Ontario International Airport Authority (LAWA/OIAA) as the airport proprietor, if required under **Policy SP1**.
- The new structure should comply with FAR Part 77, TERPS, and applicable airport obstruction clearance standards published by the FAA.

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Table 2-1

Major Land Use Actions subject to the ONT Inter-Agency Notification Process

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process if located anywhere within the Airport Influence Area (*Applies to all Affected Jurisdictions*):

- Expansion or creation of the sphere of influence of a city or district (e.g., annexation or incorporation)
- General Plan, Specific Plan or Zoning Amendments
- Major capital improvements (e.g., water, sewer, roads) that would promote urban development in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
- Any proposal for acquisition of a new site or expansion of an existing site by a special district, school district, or community college district.
- Any proposal for construction or alteration of a structure (including antennae) taller than 200 feet above the ground.

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within a safety zone (*Applies solely to the City of Ontario*):

- Any proposed land use within Safety Zone 1 that is not an aviation-related use.
- Public agency acquisition of sites intended for institutional uses including hospitals, schools, jails or prisons.
- Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
- Proposed development of airport property if such development is not an aviation-related use or has not previously been included in an airport master plan or community general plan reviewed under the Alternative Process.

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within a noise impact zone of 65+ dB CNEL (*Applies to the City of Ontario, City of Fontana and unincorporated areas of San Bernardino County*):

- Residential development, including land divisions, consisting of five or more dwelling units or individual parcels.
- Any nonresidential use having outdoor dining or gathering functions.
- Public agency acquisition of sites intended for institutional uses including hospitals, schools, jails or prisons.

The following types of Major Land Use Actions are subject to the ONT Inter-Agency Notification Process only if they are located within an airspace protection zone (*Applies to all Affected Jurisdictions*):

- Any proposed object (including buildings, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Subpart B.
- Any proposed object (including buildings, antennas, and other structures) that would penetrate the allowable height as defined by Map 2-4 or conflict with the Airspace Protection policies.
- Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - Electrical interference with radio communications or navigational signals.
 - Lighting which could be mistaken for airport lighting.
 - Glare in the eyes of pilots of aircraft using the airport.
 - Impaired visibility near the airport.
- Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas), plan (e.g., Habitat Conservation Plan) or proposal to acquire sites intended for lakes, ponds, wetlands, or sewer treatment ponds which would have the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of an airport.

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**Table 2-2
Safety Criteria**
Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

Normally Compatible Land Use	Conditional Land Use (FAR)					Incompatible Land Use
<ul style="list-style-type: none"> A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions. Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see Policy S2c). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits. 						
Land Use Category ¹	Safety Zone ²					Criteria for Conditional Uses
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	1	2	3	4	5	<i>Note: The numbers below indicate zone in which condition applies.</i>
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> Nonresidential development must satisfy both forms of intensity limits. Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Outdoor Uses (limited or no activities in buildings)						
Natural Land Areas: desert, brush lands ³						1: Objects above runway elevation not allowed in Object Free Area (OFA)
Water: flood plains, wetlands, lakes, reservoirs ³						1-5: Objects above runway elevation not allowed in Object Free Area (OFA)
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land ³						1-5: Not allowed in Object Free Area (OFA)
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables ³						
Outdoor Major Assembly Facilities: ⁴ spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos						
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas						3,4: Allowed only if alternative site outside zone would not serve intended function
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges ³						2-4: Allowed only if alternative site outside zone would not serve intended function and intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds						3-5: Allowed only if alternative site outside zone would not serve intended function and intensity criteria met
Camping: campgrounds, recreational vehicle/ motor home parks						3,4: Allowed only if intensity criteria met
Cemeteries (except chapels)						
Residential and Lodging Uses						

**Table 2-2
Safety Criteria**

Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

Normally Compatible Land Use	Conditional Land Use (FAR)	Incompatible Land Use
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- A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions.
- Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see **Policy S2c**). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits.

Land Use Category ¹ <i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	Safety Zone ²					Criteria for Conditional Uses <i>Note: The numbers below indicate zone in which condition applies.</i>
	1	2	3	4	5	
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> ▪ Nonresidential development must satisfy both forms of intensity limits. ▪ Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Residential (<8 d.u./acre): individual dwellings, townhouses, mobile homes, bed & breakfast inns ⁵						
Residential (≥8 d.u./acre) ⁵						
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories						
Short-Term Lodging (≤ 30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]			0.46	0.74		3, 4: FAR limits as indicated
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities						
Educational and Institutional Uses						
Family day care homes (≤14 children) ⁵						
Children's Schools: K-12, day care centers (>14 children); school libraries						4: No new sites or land acquisition; Bldg replacement/expansion allowed for existing schools; expansion limited to ≤50 students

**Table 2-2
Safety Criteria**
Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

Normally Compatible Land Use	Conditional Land Use (FAR)					Incompatible Land Use
<ul style="list-style-type: none"> A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions. Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see Policy S2c). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits. 						
Land Use Category ¹	Safety Zone ²					Criteria for Conditional Uses
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	1	2	3	4	5	<i>Note: The numbers below indicate zone in which condition applies.</i>
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> Nonresidential development must satisfy both forms of intensity limits. Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.15		3, 4: FAR limits as indicated; also see individual components of campus facilities (e.g., assembly facilities, offices, gymnasiums)
Community Libraries [approx. 100 s.f./person]			0.23	0.37		3, 4: FAR limits as indicated
Major Indoor Assembly Facilities ⁴ : auditoriums, conference centers, concert halls, arenas						
Large Indoor Assembly Facilities ⁴ : movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]			0.03	0.06		3, 4: FAR limits as indicated
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]			0.14	0.22		3, 4: FAR limits as indicated
In-Patient Medical: hospitals, mental hospitals						3, 4: No new sites or land acquisition; replacement/expansion of existing facilities limited to existing size
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.88		3, 4: FAR limits as indicated
Penal Institutions: prisons, reformatories						
Public Safety Facilities: police, fire stations						3-5: Allowed only if alternative site outside zone would not serve intended public function 5: Allowed only if airport serving
Commercial, Office, and Service Uses						
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]			0.25	0.40		3, 4: FAR limits as indicated; evaluate eating/drinking areas separately if >10% of total floor area
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.62		3, 4: FAR limits as indicated; evaluate eating/drinking areas separately if >10% of total floor area

**Table 2-2
Safety Criteria**

Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

Normally Compatible Land Use	Conditional Land Use (FAR)					Incompatible Land Use
<ul style="list-style-type: none"> A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions. Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see Policy S2c). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits. 						
Land Use Category ¹	Safety Zone ²					Criteria for Conditional Uses
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	1	2	3	4	5	<i>Note: The numbers below indicate zone in which condition applies.</i>
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> Nonresidential development must satisfy both forms of intensity limits. Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]			0.14	0.22	0.22	3-5: FAR limits as indicated
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57			2, 3: FAR limits as indicated; design site to place parking inside and bldgs outside of zone if possible
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.79	0.79	2-5: FAR limits as indicated
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.74	0.74	2-5: FAR limits as indicated
Vehicle Fueling: gas stations, trucking & transportation terminals						5: Allowed only if airport serving
Industrial, Manufacturing, and Storage Uses						
Hazardous Materials Production: oil refineries, chemical plants (≥ 6,000 gallons)						
Heavy Industrial						3, 4: Avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]		0.28	0.46	0.74		2-4: FAR limits as indicated; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

**Table 2-2
Safety Criteria**
Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

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<ul style="list-style-type: none"> A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions. Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see Policy S2c). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits. 						
Land Use Category ¹	Safety Zone ²					Criteria for Conditional Uses
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	1	2	3	4	5	<i>Note: The numbers below indicate zone in which condition applies.</i>
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> Nonresidential development must satisfy both forms of intensity limits. Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	1.29		2-4: FAR limits as indicated 5: Single story only; max. 10% in mezzanine 2-5: Avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research & Development [approx. 300 s.f./person]			0.69	1.10		3, 4: FAR limits as indicated; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]						2: Single story only; max. 10% in mezzanine
Outdoor Storage: public works yards, automobile dismantling						
Mining & Extraction ⁶						
Transportation, Communication, and Utilities						
Airport Terminals: airline, general aviation						
Rail & Bus Stations						2: Allowed only if alternative site outside zone would not serve intended public function 5: Allowed only if airport serving
Transportation Routes: road & rail rights-of-way, bus stops						1: Not allowed in Object Free Area ³
Auto Parking: surface lots, structures						1: Not allowed in Object Free Area ³
Communications Facilities: emergency communications, broadcast & cell towers ⁷						3-5: Allowed only if alternative site outside zone would not serve intended public function; not allowed within ½ mile of runway
Power Plants ⁷						3, 4: Primary plants not allowed; peaker plants only

**Table 2-2
Safety Criteria**

Legend: Land Use Compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-46 of this table)

Normally Compatible Land Use	Conditional Land Use (FAR)					Incompatible Land Use
<ul style="list-style-type: none"> A yellow cell indicates a use that is conditionally compatible provided it satisfies the maximum intensity limits and/or other listed conditions. Numbers in yellow cells indicate the Floor Area Ratio (FAR) limit for the use. The FAR limit is based on the common occupancy load factor [approx. number of square feet per person] indicated for that use. The FAR and/or the common occupancy load factors can be used to calculate the intensity (number of people per acre) of the proposed development (see Policy S2c). Up to 10% of the total FAR of a building may be devoted to an ancillary use and excluded from the single-acre intensity calculations, but not the average sitewide intensity limits. 						
Land Use Category ¹	Safety Zone ²					Criteria for Conditional Uses
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	1	2	3	4	5	<i>Note: The numbers below indicate zone in which condition applies.</i>
Max Sitewide Average Intensity (people/acre)	10	60	100	160	160	<ul style="list-style-type: none"> Nonresidential development must satisfy both forms of intensity limits. Maximum intensity criteria apply to Normally Compatible as well as Conditional land uses
Max Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	20	120	250	400	400	
Electrical Substations ⁷						2, 5: Allowed only if alternative site outside zone would not serve intended public function
Wastewater Facilities: treatment, disposal ³						2, 5: Allowed only if alternative site outside zone would not serve intended public function
Solid Waste Disposal Facilities: landfill, incineration ³						2: Allowed only if alternative site outside zone would not serve intended public function
Solid Waste Transfer Facilities, Recycle Centers ³						

Land Use Acceptability	Interpretation/Comments
Normally Compatible	Normal examples of the use are compatible under the presumption that usage intensity criteria will be met. Atypical examples may require review to ensure compliance with usage intensity criteria. Noise, airspace protection, and/or overflight limitations may apply.
Conditional	Use is compatible if indicated Floor Area Ratio (FAR) and/or other listed conditions are met.
Incompatible	Use should not be permitted under any circumstances.

Notes

- 1 Land uses not specifically listed shall be evaluated using the criteria for similar uses.
- 2 Safety zones for ONT lie entirely within the limits of the City of Ontario. Avigation easement dedication required as condition of approval for all properties within safety zones.
- 3 Although these uses may satisfy the Safety criteria, they may be inconsistent with the Airspace Protection criteria as these uses may attract birds or other wildlife that could pose hazards to flight (see **Policy A3**).
- 4 A *Major Assembly Facility* is defined as having a capacity of $\geq 1,000$ people, while a *Large Assembly Facility* has a capacity of 300 to 999 people. Source: International Building Code.
- 5 Construction of a single-family home, including a second dwelling unit as defined by state law, allowed on a legal lot of record if such use is permitted by local land use regulations. A family day care home (serving ≤ 14 children) may be established in any dwelling. See **Policy S1**.
- 6 These uses may generate dust or other hazards to flight. See **Policy A3** for applicable policies.
- 7 Power lines or other tall objects associated with these uses may be hazards to flight.
- 8 Common occupancy load factors source: Mead & Hunt, Inc. based upon information from various sources including the international building code.

Table 2-3

Noise Criteria
Legend: Land use compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-50 of this table.)

Normally Compatible Land Use	Conditional Land Use (45/50)					Incompatible Land Use
Cells that are conditionally compatible that have a number, indicate the interior noise level standard condition for use consistency.						
Land Use Category ¹	Noise Impact Zones					Criteria for Conditional Uses
	Exterior Noise Exposure ² (CNEL dB)					
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	≤ 60	60-65	65-70	70-75	≥ 75	<i>Note: Interior noise level limits shown in yellow cells also apply (See Policy N4)</i>
Outdoor Uses (limited or no activities in buildings)						
Natural Land Areas: desert, brush lands						Compatible at levels indicated, but noise disruption of natural quiet will occur
Water: flood plains, wetlands, lakes, reservoirs						
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land						
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables						Exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities: spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos ³						Exercise caution if clear audibility by users is essential
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas						Exercise caution if clear audibility by users is essential
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges						Exercise caution if clear audibility by users is essential
Local Parks: children-oriented neighborhood parks, playgrounds						Exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/motor home parks						
Cemeteries (excluding chapels)						Compatible at levels indicated, but noise disruption of outdoor activities will occur
Residential and Lodging Uses						
Residential (<8 d.u./acre): individual dwellings, townhouses, mobile homes, bed & breakfast inns ⁴		45				
Residential (≥8 d.u./acre) ⁴		45	45			
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories		45	45			
Short-Term Lodging (≤ 30 nights): hotels, motels, other transient lodging (except conference/assembly facilities)		45	45			

**Table 2-3
Noise Criteria**

Legend: Land use compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-50 of this table.)

Normally Compatible Land Use	Conditional Land Use (45/50)	Incompatible Land Use
-------------------------------------	-------------------------------------	------------------------------

▪ Cells that are conditionally compatible that have a number, indicate the interior noise level standard condition for use consistency.

Land Use Category ¹ <i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>	Noise Impact Zones Exterior Noise Exposure ² (CNEL dB)					Criteria for Conditional Uses <i>Note: Interior noise level limits shown in yellow cells also apply (See Policy N4)</i>
	≤ 60	60-65	65-70	70-75	≥ 75	

Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities		45	45			
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Educational and Institutional Uses

Family day care homes (≤14 children) ⁴		45				
Children’s Schools: K-12, day care centers (>14 children); school libraries		45				
Adult Education classroom space: adult schools, colleges, universities		45	45			Applies only to classrooms; offices, laboratory facilities, gymnasiums, outdoor athletic facilities, and other uses to be evaluated as indicated for those land use categories
Community Libraries		45				
Indoor Major Assembly Facilities: auditoriums, conference centers, concert halls, indoor arenas ³		45	45			
Indoor Large Assembly Facilities: movie theaters, places of worship, cemetery chapels, mortuaries ³		45	45			
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios			50			
In-Patient Medical: hospitals, mental hospitals		45	45			
Out-Patient Medical: health care centers, clinics		45	45	45		
Penal Institutions: prisons, reformatories		45	45			
Public Safety Facilities: police, fire stations			50	50		

Commercial, Office, and Service Uses

Major Retail: regional shopping centers, ‘big box’ retail			50	50		Outdoor dining or gathering places incompatible above CNEL 70 dB
Local Retail: community/neighborhood shopping centers, grocery stores			50	50		Outdoor dining or gathering places incompatible above CNEL 70 dB
Eating/Drinking Establishments: restaurants, fast-food dining, bars			50	50		Outdoor dining or gathering places incompatible above CNEL 70 dB
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries			50	50		

Table 2-3
Noise Criteria

Legend: Land use compatibility

(A detailed explanation of each land use acceptability category is provided on pg. 2-50 of this table.)

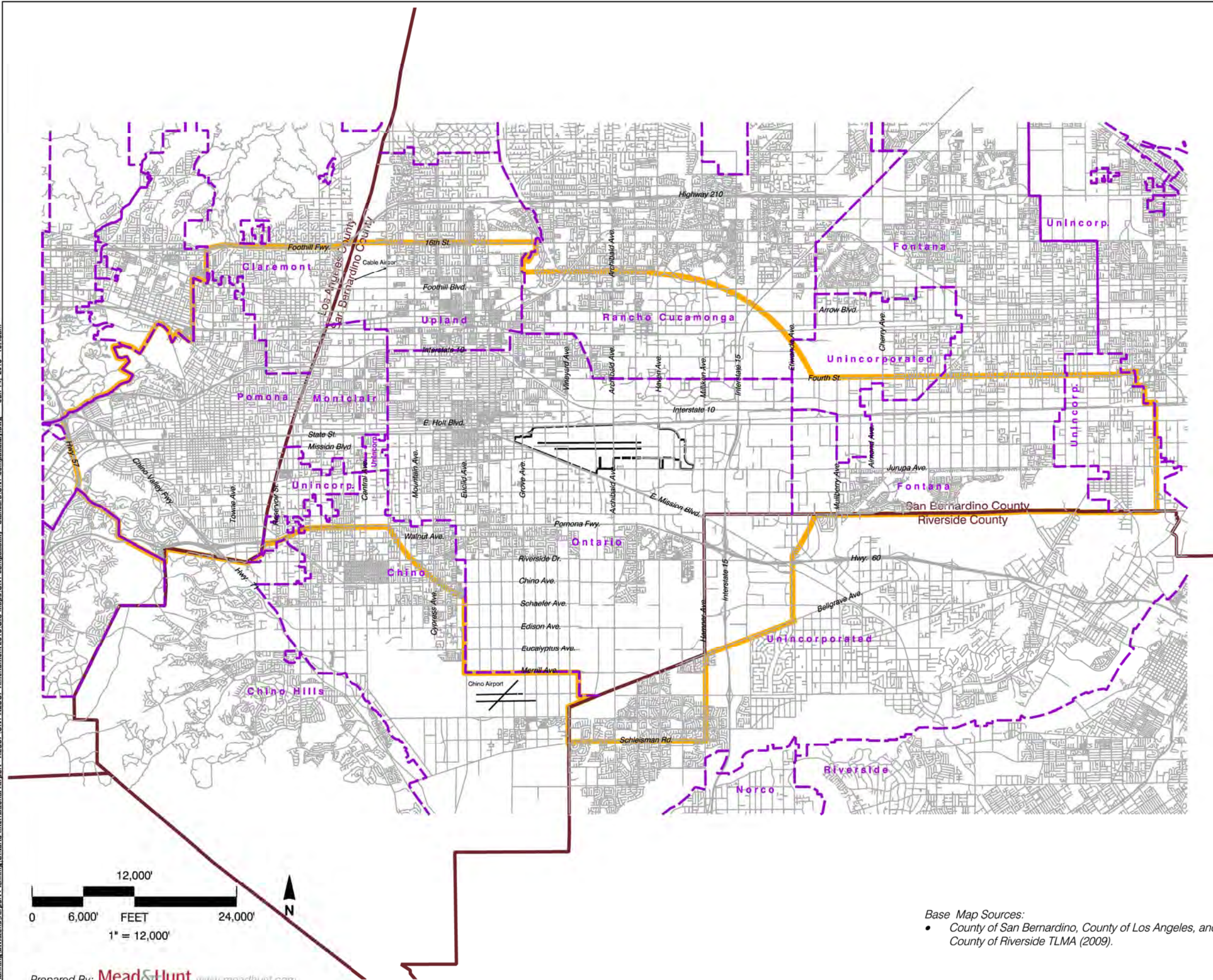
Normally Compatible Land Use	Conditional Land Use (45/50)	Incompatible Land Use
-------------------------------------	-------------------------------------	------------------------------

▪ Cells that are conditionally compatible that have a number, indicate the interior noise level standard condition for use consistency.

<u>Land Use Category</u> ¹ <small>Note: Multiple land use categories and compatibility criteria may apply to a project</small>	Noise Impact Zones Exterior Noise Exposure ² (CNEL dB)					<u>Criteria for Conditional Uses</u> <small>Note: Interior noise level limits shown in yellow cells also apply (See Policy N4)</small>
	≤ 60	60-65	65-70	70-75	≥ 75	
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space associated with other listed uses			50	50		
Personal & Miscellaneous Services: barbers, car washes, print shops			50	50		
Vehicle Fueling: gas stations, trucking & transportation terminals				50	50	
Industrial, Manufacturing, and Storage Uses						
Hazardous Materials Production: oil refineries, chemical plants (≥6,000 gallons)						
Heavy Industrial						
Light Industrial, High Intensity: food products preparation, electronic equipment				50	50	
Light Industrial, Low Intensity: machine shops, wood products, auto repair				50	50	
Research & Development			50	50		
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses						
Outdoor Storage: public works yards, automobile dismantling						
Mining & Extraction						
Transportation, Communication, and Utilities						
Rail & Bus Stations				50	50	
Transportation Routes: road & rail rights-of-way, bus stops						
Auto Parking: surface lots, structures						
Communications Facilities: emergency communications, broadcast & cell towers						
Power Plants						
Electrical Substations						
Wastewater Facilities: treatment, disposal						
Solid Waste Disposal Facilities: landfill, incineration						
Solid Waste Transfer Facilities, Recycle Centers						

Land Use Compatibility	Interpretation/Comments
Normally Compatible	<p><i>Indoor Uses:</i> Either the activities associated with the land use are inherently noisy or standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor community noise equivalent level (CNEL); for land use types that are compatible because of inherent noise levels, sound attenuation must be provided for associated office, retail, and other noise-sensitive indoor spaces sufficient to reduce exterior noise to an interior maximum of CNEL 50 dB</p> <p><i>Outdoor Uses:</i> Except as noted in the table, activities associated with the land use may be carried out with minimal interference from aircraft noise</p>
Conditional	<p><i>Indoor Uses:</i> Building structure must be capable of attenuating exterior noise from all noise sources to the indoor CNEL indicated by the number in the cell (either 45 or 50)</p> <p><i>Outdoor Uses:</i> Caution should be exercised with regard to noise-sensitive outdoor uses; these uses are likely to be disrupted by aircraft noise events; acceptability is dependent upon characteristics of the specific use ⁵</p>
Incompatible	<p><i>Indoor Uses:</i> Unacceptable noise interference if windows are open; at exposures above CNEL 65 dB, extensive mitigation techniques required to make the indoor environment acceptable for performance of activities associated with the land use</p> <p><i>Outdoor Uses:</i> Severe noise interference makes the outdoor environment unacceptable for performance of activities associated with the land use</p>
<p>Notes</p> <p>¹ Land uses not specifically listed shall be evaluated using the criteria for similar uses.</p> <p>² For the purposes of these criteria, the exterior noise exposure generated by aircraft activity at ONT is defined by the projected noise impact zones illustrated on Map 2-3 of this <i>Compatibility Plan</i>.</p> <p>³ A <i>Major Assembly Facility</i> is defined as having a capacity of ≥1,000 people, while a <i>Large Assembly Facility</i> has a capacity of 300 to 999 people. Source: International Building Code.</p> <p>⁴ In accordance with Policies S1, N2, and SP2, construction of a single-family home, including a second dwelling unit as defined by state law, is allowed on a legal lot of record if such use is permitted by local land use regulations. A family day care home (serving ≤14 children) may be established in any dwelling.</p> <p>⁵ Noise-sensitive land uses are ones for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise-sensitive land uses include, but are not limited to, the following: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.</p>	

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LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runway } Runway 8L-26R
Runway 8R-26L
- FAA Height Notification Area

Policy Boundaries

- Airport Influence Area¹

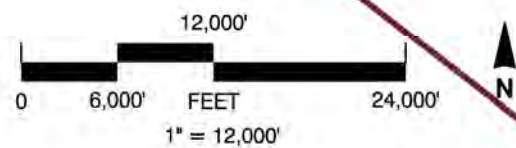
NOTES

1. Airport influence area includes the areas in which current or future airport-related safety, noise, airspace protection, or overflight factors may significantly affect land uses or necessitate restrictions on those uses.

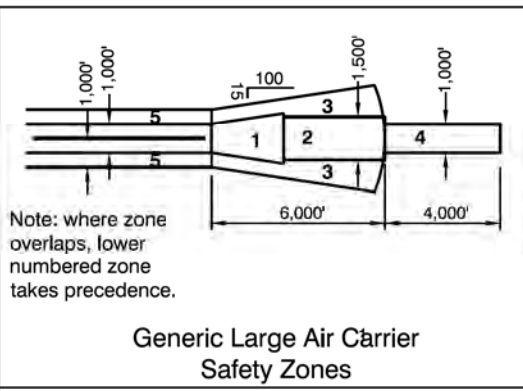
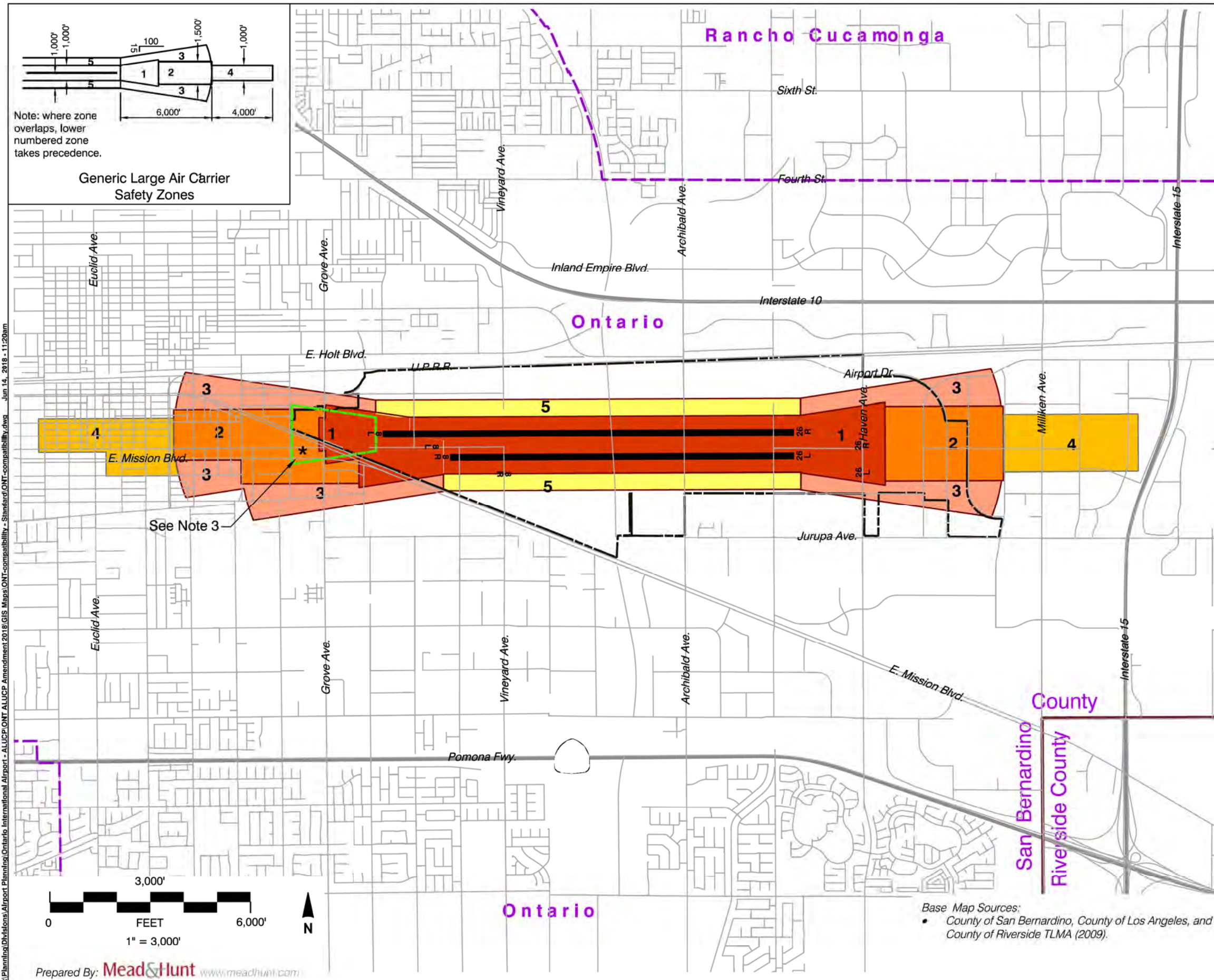


**Ontario International Airport
Land Use Compatibility Plan
July 2018 Amendment**

Base Map Sources:
 • County of San Bernardino, County of Los Angeles, and County of Riverside TLMA (2009).



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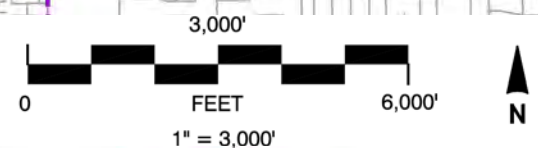


- LEGEND**
- Boundary Lines**
- Airport Property Line
 - County Line
 - - - City Limits
 - Street
 - Existing Runways } Runway 8L-26R
Runway 8R-26L

- Policy Boundaries**
- Airport Influence Area (beyond map view)
- Safety Zones¹**
- Zone 1 - Runway Protection Zone (RPZ)
 - Zone 2 - Inner Approach/Departure Zone
 - Zone 3 - Inner Turning Zone
 - Zone 4 - Outer Approach/Departure Zone
 - Zone 5 - Sideline Zone³
 - Overlay Safety Zone 1A³

- NOTES**
1. See Section 6.1 and Table 2-2 for safety policies and criteria. Policies apply only to City of Ontario.
 2. Avigation easement dedication required within all safety zones (see Policy S7 and SP1).
 3. See Section 6.1.5 (c) for Zone 1A explanation.

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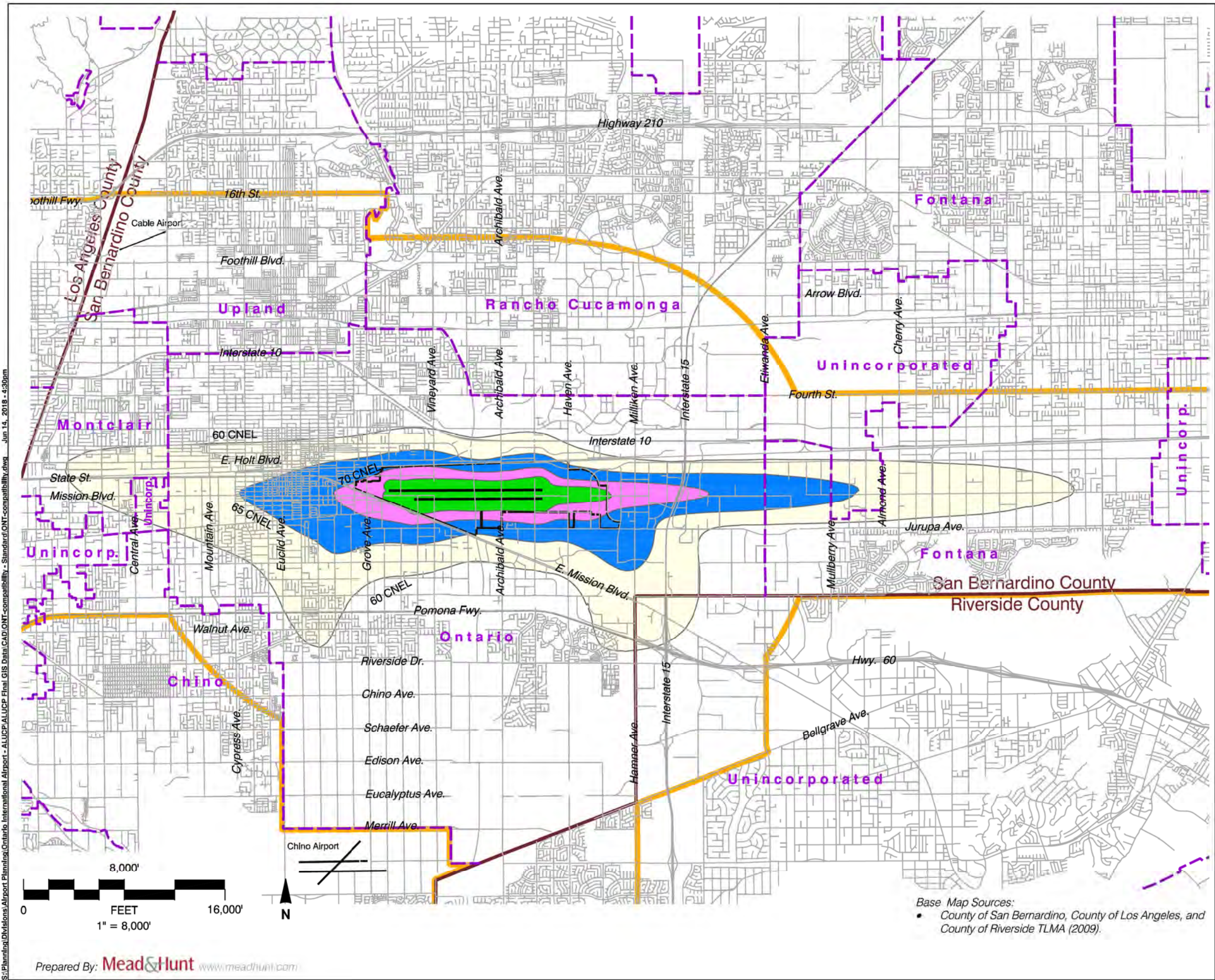


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Ontario International Airport
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 July 2018 Amendment



LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Policy Boundaries

- Airport Influence Area (portions extend beyond map view)

Noise Impact Zones¹

- 60 - 65 dB CNEL
- 65 - 70 dB CNEL
- 70 - 75 dB CNEL
- 75 + dB CNEL

NOTES

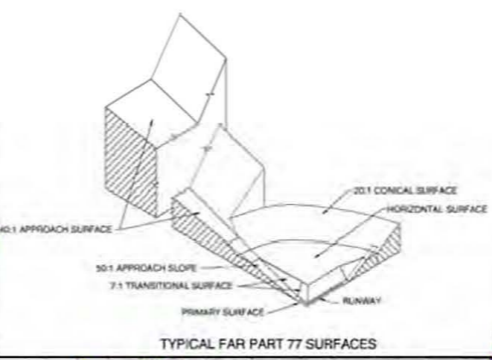
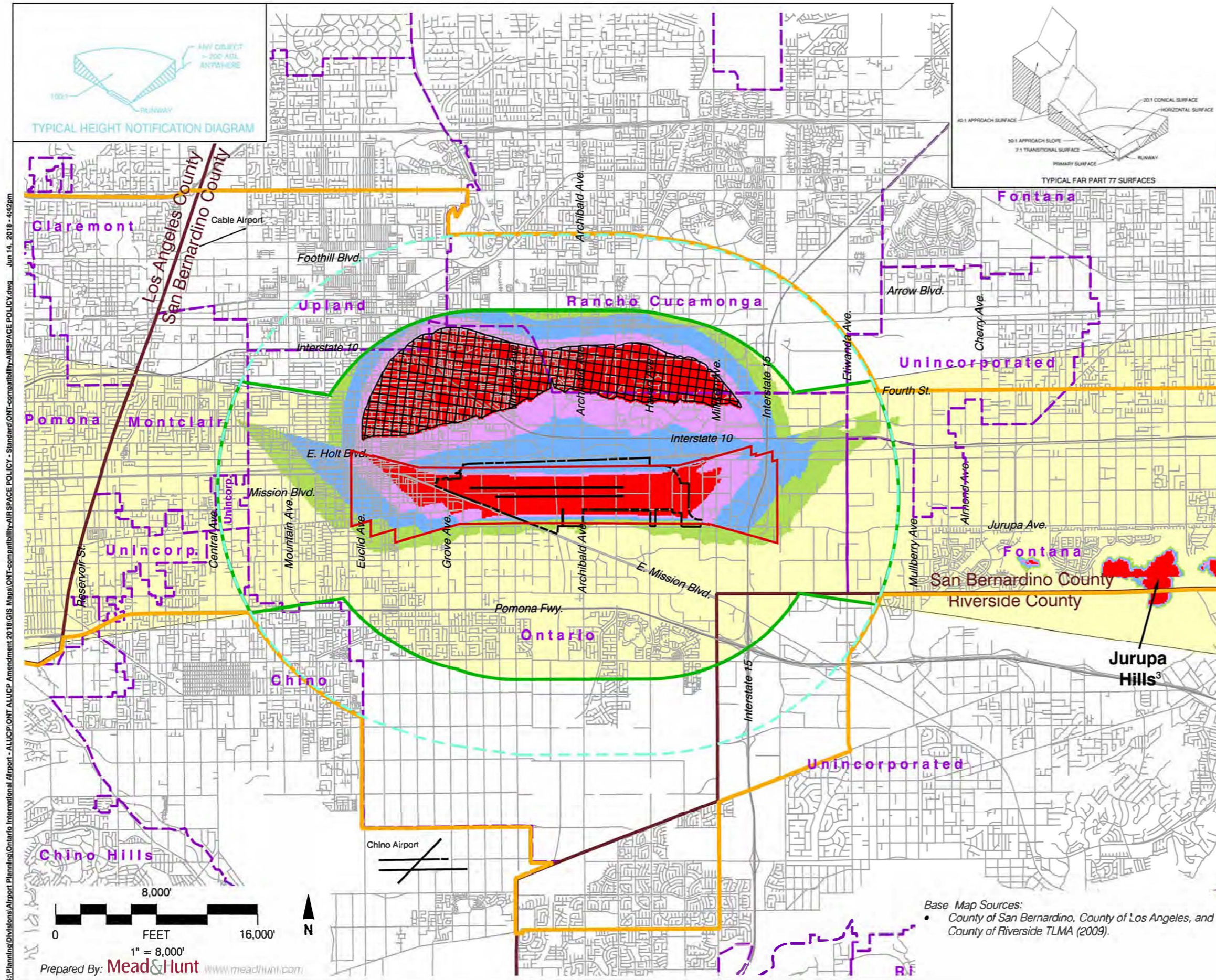
1. See Section 6.2 and Table 2-3 for noise policies and criteria.
2. Avigation easement and dedication required in areas exposed to noise of CNEL 65 dB or greater (see Policy N5 and SP1).
3. No Project (343,000 annual operations) contours.



**Ontario International Airport
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July 2018 Amendment**

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LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Policy Boundaries¹

- Airport Influence Area (portions extend beyond map view)

Airspace Protection Zones

- FAA Height Notification Surface
- Airspace Obstruction Surfaces
- High Terrain Zone
- Airspace Avigation Easement Area

Allowable Heights in AGL

- Less than 70'
- 70' in the High Terrain Zone
- 70' to 100'
- 100' to 150'
- 150' to 200'
- Greater than 200'

- ### NOTES
1. See Section 6.3 for airspace protection policies.
 2. Existing airport elevation is 944.0' above mean sea level (MSL). Future airport elevation assumed at 944.0' MSL. Actual to be determined.
 3. Projects with Jurupa Hills are not subject to the ONT Inter-Agency Notification Process but may require FAA notification (see Section 6.3.5b).



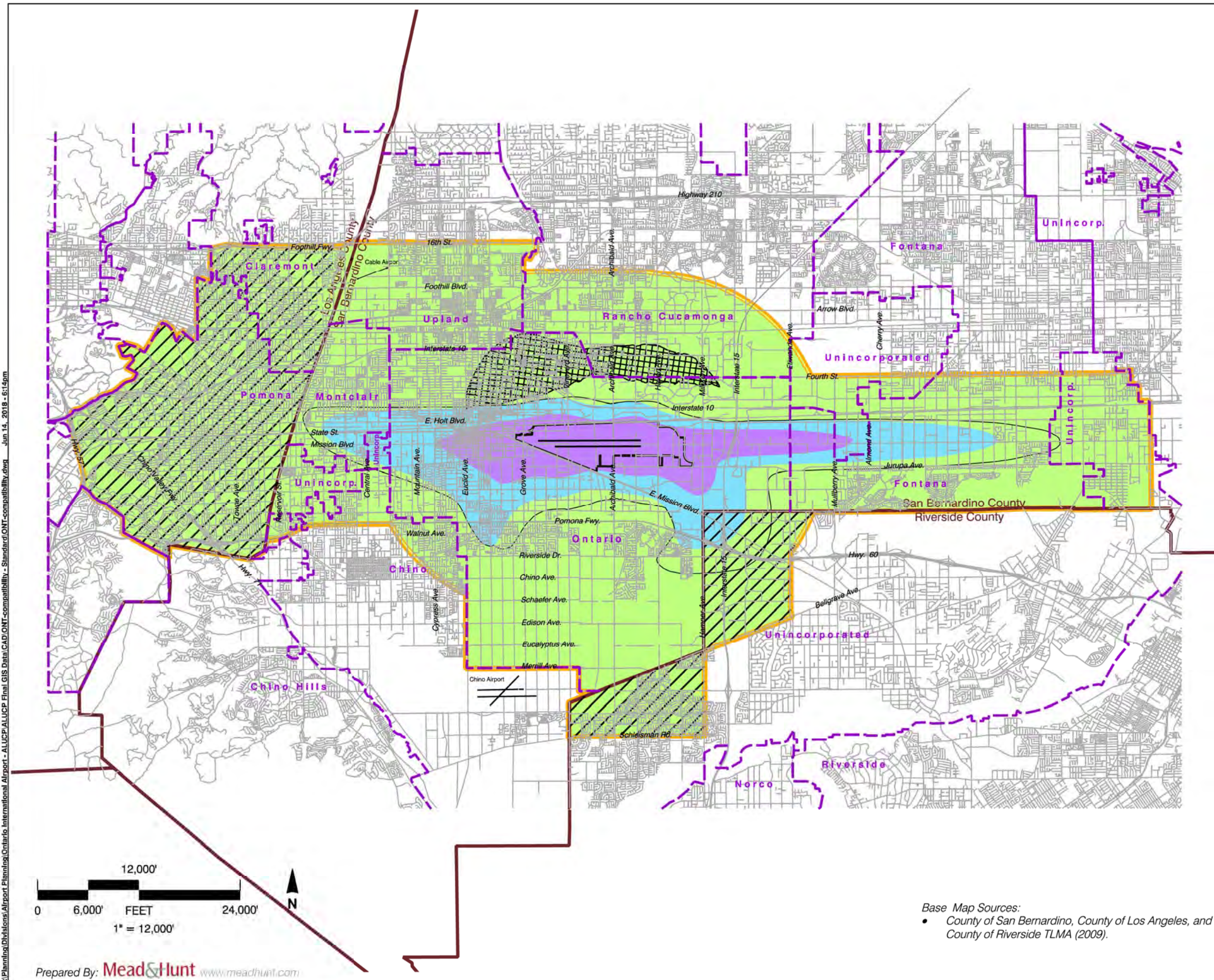
**Ontario International Airport
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0 8,000 16,000
FEET
1" = 8,000'

Prepared By: **Mead & Hunt** www.meadhunt.com

Compatibility Policy Map: Airspace Protection Zones



LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - - - City Limits
- Street
- Existing Runways } Runway 8L-26R
Runway 8R-26L

Policy Boundaries

- Airport Influence Area⁴
- Advisory Area (outside San Bernardino County)⁵
- High Terrain Zone

Overflight Notification Zones¹

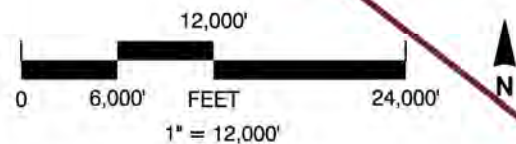
- Avigation Easement Dedication²
- Recorded Overflight Notification³
- Real Estate Transaction Disclosure⁴

NOTES

1. See Section 6.4 for overflight policies.
2. Avigation easement dedication required for new development within all safety zones, the 65 dB contour, inner portions of the airspace protection zones and high terrain zone. See Policy SP1.
3. Recorded Overflight Notification required for new development within 60 dB contour, except where Avigation Easement Dedication applies.
4. Real Estate Transaction Disclosure policy applies within entire Airport Influence Area (AIA) including areas requiring Avigation Easement Dedication and Recorded Overflight Notification.
5. Overflight policies are informational outside of San Bernardino County.



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APPENDICES



APPENDIX A

STATE LAWS RELATED TO
AIRPORT LAND USE PLANNING

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(as of January 2010)

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21670 – 21679.5	Airport Land Use Commission	A-3 (complete article)
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21655, 21658, 21659	Regulation of Obstructions.....	A-17 (excerpts)
21661.5, 21664.5	Regulation of Airports	A-19 (excerpts pertaining to approval of new airports and airport expansion)

Government Code

Sections

65302.3	Authority for and Scope of General Plans.....	A-20 (excerpts pertaining to general plans consistency with airport land use plans)
65943 – 65945.7	Application for Development Projects	A-21 (excerpts referenced in State Aeronautics Act)
66030 – 66031	Mediation and Resolution of Land Use Disputes.....	A-26 (excerpts applicable to ALUC decisions)
66455.9	School Site Review	A-28 (excerpts applicable to ALUCs)

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Sections

17215	School Facilities, General Provisions.....	A-29 (excerpts pertaining to Department of Transportation review of elementary and secondary school sites)
81033	Community Colleges, School Sites.....	A-31 (excerpts pertaining to Department of Transportation review of community college sites)

Public Resources Code

Sections

21096 California Environmental Quality Act, Airport Planning.....A-33
 (excerpts pertaining to projects near airports)

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11010 Regulation of Real Estate Transactions, Subdivided LandsA-34
 (excerpts regarding airport influence area disclosure requirements)

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1103 – 1103.4 Disclosure of Natural Hazards upon Transfer of Residential
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 1353 Common Interest DevelopmentsA-39
 (excerpts regarding airport influence area disclosure requirements)

Legislative History Summary

Airport Land Use Commission StatutesA-40

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9—Aviation
Part 1—State Aeronautics Act
Chapter 4—Airports and Air Navigation Facilities
Article 3.5—Airport Land Use Commission

21670. Creation; Membership; Selection

- (a) The Legislature hereby finds and declares that:
- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
 - (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
- (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:
- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.
 - (2) Two representing the county, appointed by the board of supervisors.
 - (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.
 - (4) One representing the general public, appointed by the other six members of the commission.
- (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

- (d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
- (e) A person having an “expertise in aviation” means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.
- (f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

- (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.
- (b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.
- (c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:
 - (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
 - (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
 - (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
 - (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

- (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.
- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
 - (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
 - (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
 - (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.
- (d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:
 - (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.
 - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
 - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
 - (A) The county has only one public use airport that is owned by a city.
 - (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.
 - (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.
- (b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.
- (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3 San Diego County

- (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.
- (b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

21670.4. Intercounty Airports

- (a) As used in this section, “intercounty airport” means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department’s Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.
- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county’s two delegations, for any intercounty airport, may do either of the following:
 - (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
 - (A) One representing the cities in each of the counties, appointed by that county’s city selection committee.
 - (B) One representing each of the counties, appointed by the board of supervisors of each county.

- (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (D) One representing the general public, appointed by the other six members of the commission.
- (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21671. Airports Owned by a City, District, or County

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. Term of Office

- (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.
- (b) Compensation, if any, shall be determined by the board of supervisors.
- (c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies, shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.
- (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.
- (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.
- (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a

commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

- (g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. Initiation of Proceedings for Creation by Owner of Airport

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

21674. Powers and Duties

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

- (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.
- (c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

- (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.
- (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:
 - (1) The establishment of a process for the development and adoption of airport land use compatibility plans.
 - (2) The development of criteria for determining the airport influence area.
 - (3) The identification of essential elements that should be included in the airport land use compatibility plans.
 - (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.
 - (5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.
- (c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
 - (1) By offering formal courses or training programs.
 - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
 - (3) By producing and making available written information.
 - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

- (a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.
- (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the

jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

- (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.
- (b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.
- (d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.
- (e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. Adoption of Land Use Plan

- (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.
- (b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, “vicinity” means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then “vicinity” means land within two miles of the boundary of a public airport.

- (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:
 - (1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.
 - (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.
 - (3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.
- (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.
- (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.
- (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.
- (g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:
 - (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
 - (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

- (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.
- (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or

permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

- (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.
- (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

- (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

- (c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. Review of Local Plans

- (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. Airport Owner's Immunity

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

21679. Court Review

- (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.
- (b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:
 - (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (3) Rescinds the action.
 - (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.
- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

- (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.
- (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.
- (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. Deferral of Court Review

- (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.
- (b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.
- (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.
- (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 3—Regulation of Aeronautics
(*excerpts*)

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

21403. Lawful Flight; Flight Within Airport Approach Zone

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
 - (1) A forced landing.
 - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
 - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 4—Airports and Air Navigation Facilities
Article 2.7—Regulation of Obstructions
(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Hazards Near Airports Prohibited

- (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of

Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4
Article 3—Regulation of Airports
(excerpts)

21661.5. City Council or Board of Supervisors and ALUC Approvals

- (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.
- (b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. Amended Airport Permits; Airport Expansion Defined

- (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
- (b) As used in this section, “airport expansion” includes any of the following:
 - (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13 [*sic.* – should be 150/5300-13], or of any interest in land for the purpose of any other expansion as set forth in this section.
 - (2) The construction of a new runway.
 - (3) The extension or realignment of an existing runway.
 - (4) Any other expansion of the airport’s physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).
- (c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

PLANNING AND ZONING LAW
GOVERNMENT CODE
Title 7—Planning and Land Use
Division 1—Planning and Zoning
Chapter 3—Local Planning
Article 5—Authority for and Scope of General Plans
(excerpts)

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrency Findings

- (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
- (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
- (c) If the legislative body does not concur with any of the provisions of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.
- (d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 4.5—Review and Approval of Development Projects

Article 3—Application for Development Projects

(*excerpts*)

Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.

65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency’s determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency of the appeal not later than 60 calendar days after receipt of the applicant’s written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

- (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

- (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65943.5.

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
- (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
 - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), “environmental permit” has the same meaning as defined in Section 72012 of the Public Resources Code, and “environmental agency” has the same meaning as defined in Section 71011 of the Public Resources Code, except that “environmental agency” does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65944. **Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information**

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.
- (d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the

United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

- (2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an “urbanized area.” An urbanized area is any urban location that meets the definition used by the United State Department of Commerce’s Bureau of Census for “urban” and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.
- (e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.
- (f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.
- (2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee

- (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to retrieve notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:
 - (1) A general plan.
 - (2) A specific plan.
 - (3) A zoning ordinance.
 - (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant’s request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

- (b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the

state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3—Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

- (a) The Legislature finds and declares all of the following:
- (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
 - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
 - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
- (1) The approval or denial by a public agency of any development project.
 - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
 - (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
 - (4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).

- (5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).
 - (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
 - (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).
 - (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
 - (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
 - (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
 - (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
 - (1) The council of governments having jurisdiction in the county where the dispute arose.
 - (2) Any subregional or countywide council of governments in the county where the dispute arose.
 - (3) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.
 - (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW
GOVERNMENT CODE
Title 7—Planning and Land Use
Division 2—Subdivisions
Chapter 3—Procedure
Article 3—Review of Tentative Map by Other Agencies
(excerpts)

66455.9.

Whenever there is consideration of an area within a development for a public school site, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

EDUCATION CODE
Title 1—General Education Code Provisions
Division 1—General Education Code Provisions
Part 10.5—School Facilities
Chapter 1—School Sites
Article 1—General Provisions
(excerpts)

17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- (c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation’s report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.
- (e) If the Department of Transportation’s recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

EDUCATION CODE
Title 3—Postsecondary Education
Division 7—Community Colleges
Part 49—Community Colleges, Education Facilities
Chapter 1—School Sites
Article 2—School Sites
(excerpts)

81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity

- (c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The board of governors shall investigate the proposed site and within 35 working days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

- (d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building

construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for such purposes; provided that provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to such sites.

If the recommendations of the Division of Aeronautics are unfavorable, such recommendations shall not be overruled without the express approval of the board of governors and the State Allocation Board.

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE

Division 13—Environmental Quality

Chapter 2.6—General

(excerpts)

21096. Airport Planning

- (a) If a lead agency prepares an environmental impact report for a project situated within airport land use compatibility plan boundaries, or, if an airport land use compatibility plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.
- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

BUSINESS AND PROFESSIONS CODE
Division 4—Real Estate
Part 2—Regulation of Transactions
Chapter 1—Subdivided Lands
Article 2—Investigation, Regulation and Report
(excerpts)

11010.

- (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.
- (b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:
- [Sub-Sections (1) through (12) omitted]
- (13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

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.

- (B) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

CIVIL CODE
Division 2—Property
Part 4—Acquisition of Property
Title 4—Transfer
Chapter 2—Transfer of Real Property
Article 1.7—Disclosure of Natural Hazards Upon Transfer of Residential Property
(excerpts)

1103.

- (a) Except as provided in Section 1103.1, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
- (b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
- (c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property’s location within a hazard zone:
 - (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone “A” or “V”) designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
 - (A) The transferor, or the transferor’s agent, has actual knowledge that the property is within a special flood hazard area.
 - (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
 - (2) ... is located within an area of potential flooding ... shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding ...
 - (3) ... is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 ...

- (4) ... is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone ...
 - (5) ... is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone ...
 - (6) ... is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 ...
- (d) Any waiver of the requirements of this article is void as against public policy.

1103.1.

- (a) This article does not apply to the following transfers:
- (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
 - (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.
 - (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
 - (4) Transfers from one coowner to one or more other coowners.
 - (5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
 - (6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
 - (7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
 - (8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
 - (9) Transfers or exchanges to or from any governmental entity.
- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9,

2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

1103.2.

- (a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: [content omitted].
- (b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor’s agent shall mark “Yes” on the Natural Hazard Disclosure Statement. The transferor or transferor’s agent may mark “No” on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor’s agents to exercise reasonable care in making a determination under this subdivision.

[Sub-Sections (c) through (h) omitted]

[Section 1103.3 omitted]

1103.4.

- (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional’s license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.
 - (1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

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.

[Remainder of Article 1.7 omitted]

CIVIL CODE
Division 2, Part 4
Title 6—Common Interest Developments
(excerpts)

1353.

- (a) (1) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes. If the property is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

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.

- (2) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.
 - (3) [Omitted]
 - (4) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.
- (b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

LEGISLATIVE HISTORY SUMMARY
PUBLIC UTILITIES CODE
Sections 21670 et seq.
Airport Land Use Commission Statutes
And Related Statutes

- 1967 Original ALUC statute enacted.
- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
 - The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:
- Require ALUCs to prepare comprehensive land use plans.
 - Require such plans to include a long-range plan and to reflect the airport’s forecast growth during the next 20 years.
 - Require ALUC review of airport construction plans (Section 21661.5).
 - Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973 ALUCs are permitted to establish compatibility plans for military airports.
- 1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:
- More clearly articulate the purpose of ALUCs.
 - Eliminate reference to “achieve by zoning.”
 - Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
 - Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC’s plan.
 - Require that local agencies make findings of fact before overriding an ALUC decision.
 - Change the vote required for an override from 4/5 to 2/3.
- 1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:
- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
 - Limit amendments to compatibility plans to once per year.
 - Allow individual projects to continue to be referred to the ALUC by agreement.
 - Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.
- 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:
- Require that a designated body serving as an ALUC include two members having “expertise in aviation.”
 - Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
 - Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.
- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—
- Sets a requirement that comprehensive land use plans be completed by June 1991.
 - Establishes a method for compelling ALUCs to act on matters submitted for review.
 - Allows ALUCs to charge fees for review of projects.
 - Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—
- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
 - Allows ALUCs to continue to charge fees under these circumstances.
 - Fees may be charged only until June 30, 1992, if plans are not completed by then.
- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)
- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that

- ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.
- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.
- 2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority’s responsibility for airport planning within San Diego County.
- 2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term “comprehensive land use plan” to “airport land use compatibility plan.”
- 2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.
- 2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.
- 2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.
- 2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term “comprehensive land use plan” and replacing it with “airport land use compatibility plan.” Also replaces the terms “planning area” and “study area” with “airport influence area.”
- 2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site. Also makes these provisions applicable to charter schools.



APPENDIX B

FEDERAL AVIATION REGULATIONS PART 77 OBJECTS AFFECTING NAVIGABLE AIRSPACE

Amdt. 77-13, Effective January 18, 2011

Subpart A GENERAL

77.1 PURPOSE.

This part establishes:

- (a) The requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures;
- (b) The standards used to determine obstructions to air navigation, and navigational and communication facilities;
- (c) The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and
- (d) The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

77.3 DEFINITIONS.

For the purpose of this part:

“Non-precision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

Planned or proposed airport is an airport that is the subject of at least one of the following documents received by the FAA:

- (1) Airport proposals submitted under 14 CFR Part 157.
- (2) Airport Improvement Program requests for aid.
- (3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR Part 157.
- (4) Airport layout plans.

- (5) DOD proposals for airports used only by the U.S. Armed Forces.
- (6) DOD proposals on joint-use (civil-military) airports.
- (7) Completed airport site selection feasibility study.

“Precision instrument runway” means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

“Public use airport” is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

“Seaplane base” is considered to be an airport only if its sea lanes are outlined by visual markers.

“Utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Subpart B

NOTICE REQUIREMENTS

77.5 APPLICABILITY.

- (a) If you propose any construction or alteration described in §77.9, you must provide adequate notice to the FAA of that construction or alteration.
- (b) If requested by the FAA, you must also file supplemental notice before the start date and upon completion of certain construction or alterations that are described in §77.9.
- (c) Notice received by the FAA under this subpart is used to:
 - (1) Evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;
 - (2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;
 - (3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460–1, Obstruction Marking and Lighting;
 - (4) Determine other appropriate measures to be applied for continued safety of air navigation; and

- (5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

77.7 FORM AND TIME OF NOTICE.

- (a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460–1, Notice of Proposed Construction or Alteration. FAA Form 7460–1 is available at FAA regional offices and on the Internet.
- (b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.
- (c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
- (d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.
- (e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460–1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

77.9 CONSTRUCTION OR ALTERATION REQUIRING NOTICE.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

- (a) Any construction or alteration that is more than 200 ft. AGL at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would

normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

- (d) Any construction or alteration on any of the following airports and heliports:
 - (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
 - (2) A military airport under construction, or an airport under construction that will be available for public use;
 - (3) An airport operated by a Federal agency or the DOD.
 - (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
- (e) You do not need to file notice for construction or alteration of:
 - (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;
 - (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
 - (3) Any construction or alteration for which notice is required by any other FAA regulation.
 - (4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

77.11 SUPPLEMENTAL NOTICE REQUIREMENTS.

- (a) You must file supplemental notice with the FAA when:
 - (1) The construction or alteration is more than 200 feet in height AGL at its site; or
 - (2) Requested by the FAA.
- (b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA within 5 days after the structure reaches its greatest height.
- (c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.
- (d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Subpart C

Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

77.13 APPLICABILITY.

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus.
- (b) The alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein.

77.15 SCOPE.

- (a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.
- (b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.
- (c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.
- (d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in §77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runway.
- (e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:

- (1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or
- (2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,
- (3) An airport operated by a Federal agency or the DOD; or,
- (4) An airport that has at least one FAA-approved instrument approach.

77.17 OBSTRUCTION STANDARDS.

- (a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
 - (1) A height of 499 feet AGL at the site of the object.
 - (2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.
 - (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.
 - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
 - (1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
 - (2) 15 feet for any other public roadway.
 - (3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) 23 feet for a railroad.

- (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

77.19 CIVIL AIRPORT IMAGINARY SURFACES.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

- (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by Swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (1) 5,000 feet for all runways designated as utility or visual;
 - (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- (b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
 - (1) 250 feet for utility runways having only visual approaches.
 - (2) 500 feet for utility runways having non-precision instrument approaches.
 - (3) For other than utility runways, the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
 - (iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.
- (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is

- applied to each end of each runway based upon the type of approach available or planned for that runway end.
- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (i) 1,250 feet for that end of a utility runway with only visual approaches;
 - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - (iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - (vi) 16,000 feet for precision instrument runways.
 - (2) The approach surface extends for a horizontal distance of:
 - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 - (ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and
 - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
 - (3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- (e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

77.21 DEPARTMENT OF DEFENSE (DOD) AIRPORT IMAGINARY SURFACES.

- (a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section, a military airport is any airport operated by the DOD.
 - (1) Inner horizontal surface. A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

- (2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
 - (3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) Related to runways. These surfaces apply to all military airports.
- (1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.
 - (2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
 - (3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.
 - (4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

77.23 HELIPORT IMAGINARY SURFACES.

- (a) Primary surface. The area of the primary surface coincides in size and shape with the designated take-off and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) Approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
- (c) Transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D

AERONAUTICAL STUDIES AND DETERMINATIONS

77.25 APPLICABILITY.

- (a) This subpart applies to any aeronautical study of a proposed construction or alteration for which notice to the FAA is required under 77.9.
- (b) The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.
- (c) The obstruction standards in subpart C of this part are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a study to interested parties for comment.

77.27 INITIATION OF STUDIES.

The FAA will conduct an aeronautical study when:

- (a) Requested by the sponsor of any proposed construction or alteration for which a notice is submitted; or
- (b) The FAA determines a study is necessary.

77.29 EVALUATING AERONAUTICAL EFFECT.

- (a) The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:
 - (1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
 - (2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;
 - (3) The impact on existing and planned public use airports;
 - (4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;
 - (5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;
 - (6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;

- (7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.
- (b) If you withdraw the proposed construction or alteration or revise it so that it is no longer identified as an obstruction, or if no further aeronautical study is necessary, the FAA may terminate the study.

77.31 DETERMINATIONS.

- (a) The FAA will issue a determination stating whether the proposed construction or alteration would be a hazard to air navigation, and will advise all known interested persons.
- (b) The FAA will make determinations based on the aeronautical study findings and will identify the following:
 - (1) The effects on VFR/IFR aeronautical departure/arrival operations, air traffic procedures, minimum flight altitudes, and existing, planned, or proposed airports listed in §77.15(e) of which the FAA has received actual notice prior to issuance of a final determination.
 - (2) The extent of the physical and/or electromagnetic effect on the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems.
- (c) The FAA will issue a Determination of Hazard to Air Navigation when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact.
- (d) A Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation. A Determination of No Hazard to Air Navigation may include the following:
 - (1) Conditional provisions of a determination.
 - (2) Limitations necessary to minimize potential problems, such as the use of temporary construction equipment.
 - (3) Supplemental notice requirements, when required.
 - (4) Marking and lighting recommendations, as appropriate.
- (e) The FAA will issue a Determination of No Hazard to Air Navigation when a proposed structure does not exceed any of the obstruction standards and would not be a hazard to air navigation.

77.33 EFFECTIVE PERIOD OF DETERMINATIONS.

- (a) A determination issued under this subpart is effective 40 days after the date of issuance, unless a petition for discretionary review is received by the FAA within 30 days after issuance. The determination will not become final pending disposition of a petition for discretionary review.

- (b) Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (c) A Determination of Hazard to Air Navigation has no expiration date.

77.35 EXTENSIONS, TERMINATIONS, REVISIONS AND CORRECTIONS.

- (a) You may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination, provided that:
 - (1) Actual structural work of the proposed construction or alteration, such as the laying of a foundation, but not including excavation, has not been started; and
 - (2) The petition is submitted at least 15 days before the expiration date of the Determination of No Hazard to Air Navigation.
- (b) A Determination of No Hazard to Air Navigation issued for those construction or alteration proposals not requiring an FCC construction permit may be extended by the FAA one time for a period not to exceed 18 months.
- (c) A Determination of No Hazard to Air Navigation issued for a proposal requiring an FCC construction permit may be granted extensions for up to 18 months, provided that:
 - (1) You submit evidence that an application for a construction permit/license was filed with the FCC for the associated site within 6 months of issuance of the determination; and
 - (2) You submit evidence that additional time is warranted because of FCC requirements; and
 - (3) Where the FCC issues a construction permit, a final Determination of No Hazard to Air Navigation is effective until the date prescribed by the FCC for completion of the construction. If an extension of the original FCC completion date is needed, an extension of the FAA determination must be requested from the Obstruction Evaluation Service (OES).
 - (4) If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E

PETITIONS FOR DISCRETIONARY REVIEW

77.37 GENERAL.

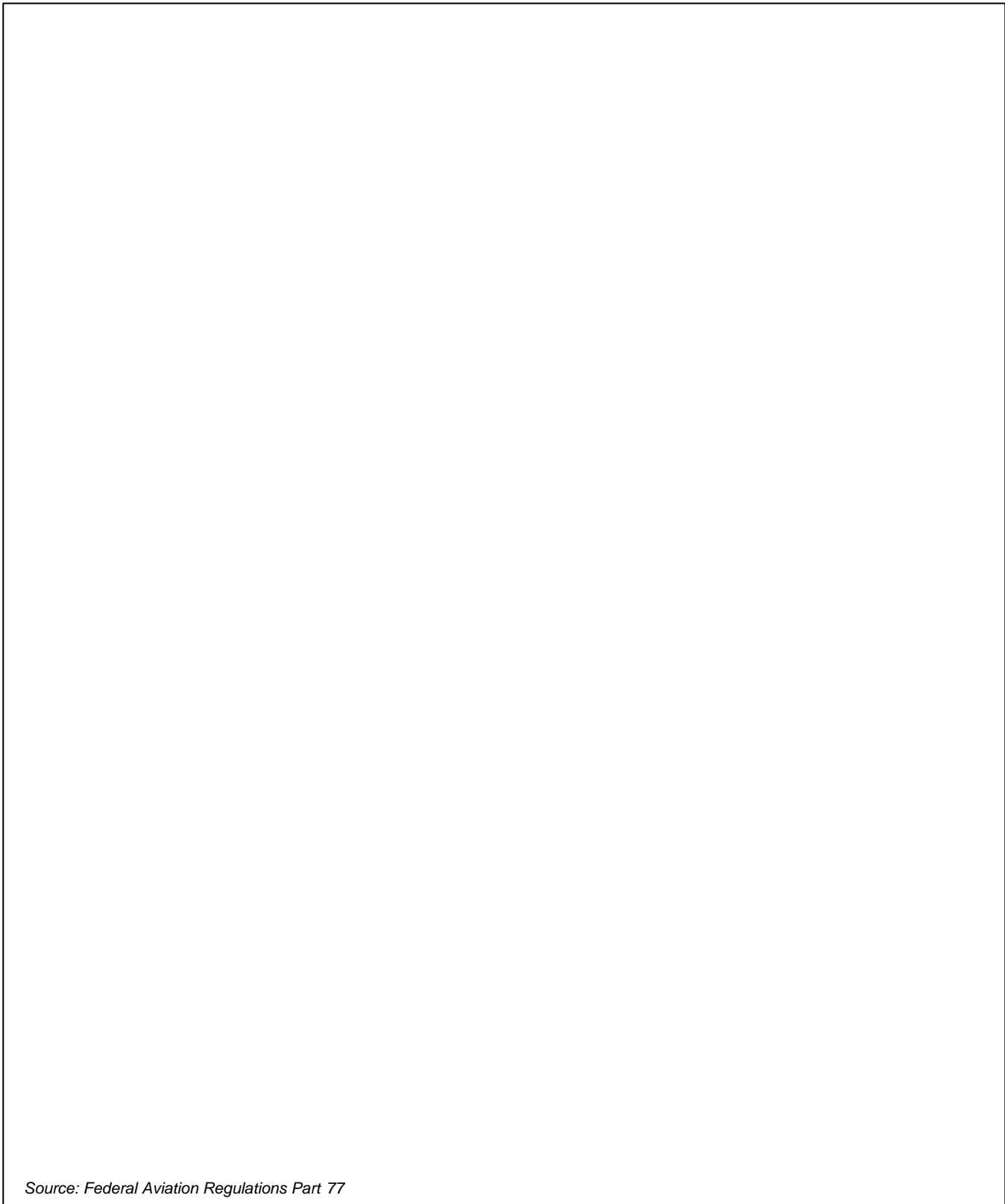
- (a) If you are the sponsor, provided a substantive aeronautical comment on a proposal in an aeronautical study, or have a substantive aeronautical comment on the proposal but were not given an opportunity to state it, you may petition the FAA for a discretionary review of a determination, revision, or extension of a determination issued by the FAA.
- (b) You may not file a petition for discretionary review for a Determination of No Hazard that is issued for a temporary structure, marking and lighting recommendation, or when a proposed structure or alteration does not exceed obstruction standards contained in subpart C of this part.

77.39 Contents of a petition.

- (a) You must file a petition for discretionary review in writing and it must be received by the FAA within 30 days after the issuance of a determination under 77.31, or a revision or extension of the determination under 77.35.
- (b) The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed.
- (c) In the event that the last day of the 30-day filing period falls on a weekend or a day the Federal government is closed, the last day of the filing period is the next day that the government is open.
- (d) The FAA will inform the petitioner or sponsor (if other than the petitioner) and the FCC (whenever an FCC-related proposal is involved) of the filing of the petition and that the determination is not final pending disposition of the petition.

77.41 Discretionary review results.

- (a) If discretionary review is granted, the FAA will inform the petitioner and the sponsor (if other than the petitioner) of the issues to be studied and reviewed. The review may include a request for comments and a review of all records from the initial aeronautical study.
- (b) If discretionary review is denied, the FAA will notify the petitioner and the sponsor (if other than the petitioner), and the FCC, whenever a FCC-related proposal is involved, of the basis for the denial along with a statement that the determination is final.
- (c) After concluding the discretionary review process, the FAA will revise, affirm, or reverse the determination.



Source: Federal Aviation Regulations Part 77

Exhibit B1

FAR Part 77 Imaginary Surfaces

Exhibit B3

Online Submittal of “Notice of Proposed Construction or Alteration”

Historically a paper form called a “7460-1” was required to be submitted to the FAA for any project proposed on airport property and certain projects near airports. Recently, the FAA has moved from paper forms to an on-line system of evaluating the effects of a proposed project on the national airspace system.



The on-line system can be accessed at <https://oeaaa.faa.gov>.

This new system allows project proponents to submit and track their proposal as it progresses through the FAA evaluation process.

The purpose of this guidance is to supplement and clarify the FAA user guide for the 7460 website.



available at: https://oeaaa.faa.gov/oeaaa/external/content/OEexternal_Guide_v3.1.pdf

We recommend that the user first read the entire guide provided by the FAA, and then use this document to clarify some of the more complicated aspects of the online 7460 system.

WHEN A PROJECT MUST BE SUBMITTED TO THE FAA

CFR Title 14 Part 77.13 states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:

- Any construction or alteration exceeding 200 ft above ground level
- Any construction or alteration:
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface
- Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- When requested by the FAA
- Any construction or alteration located on a public use airport or heliport regardless of height or location.

The FAA has been continuously improving the oe/aaa website to be more user friendly and increase the on-line functionality. The look and feel of the website may change in the future, but the majority of the content should remain as is.

Create an account

Before accessing the features of the website, the user will be required to create a username and password to access the website.

Obstruction Evaluation
Version 2010.1.0

- Home
- FAA OE/AAA Offices
- View Determined Cases
- View Proposed Cases
- View Supplemental Notices (Form 7460-2)
- View Circularized Cases
- Search Archives
- Download Archives
- Circle Search for Cases
- Circle Search for Airports
- Discretionary Review FAQs
- Notice Criteria Tool
- DoD Preliminary Screening Tool
- Distance Calculation Tool

OE/AAA Account

- Login
- New User Registration

Information Resources

- FAA Acronyms
- Forms
- Regulatory Policy

Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

In administering Title 14 of the Code of Federal Regulations CFR Part 77, the prime objectives of the FAA are to promote air safety and the efficient use of the navigable airspace. To accomplish this mission, aeronautical studies are conducted based on information provided by proponents on an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

OE/AAA Filing Process

If your organization is planning to sponsor any construction or alterations which may affect navigable airspace, you must file a **Notice of Proposed Construction or Alteration** (Form 7460-1) with the FAA.

CLICK HERE

for Instructions on how to E file your proposal with the FAA

If construction or alteration IS NOT LOCATED on an airport:

You may file forms 7460-1 and 7460-2 electronically via this website - New User Registration.

or

You may file forms 7460-1 and 7460-2 via US Postal Mail to:

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Service, AJR-322
2601 Meacham Boulevard
Fort Worth, TX 76193

Questions? Please contact the appropriate representative.

If construction or alteration IS LOCATED on an airport:

You may file forms 7460-1 electronically via this website - New User Registration.

or

Find the FAA Airports Region / District Office having jurisdiction over the airport on which the construction is located, and file to that address.

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Once a user has created an account, they will be able to log in and will be directed to the OE/AAA Portal Page. This page displays a summary of any projects which have been entered into the website, categorized by off-airport and on-airport projects.

Adding a Sponsor

Before a user can enter project specific information, a project sponsor must be created. A sponsor is the person who is ultimately responsible for the construction or alteration. All FAA correspondence will be addressed to the sponsor. The sponsor could be the airport manager for projects proposed by the airport, or the developer proposing off airport construction. To create a sponsor contact, click “Add New Sponsor” on the “portal” page. From there the user can add sponsors for various projects.

<p>My Account</p> <p>Name: User Name: Login Time: IP Address:</p> <p>Actions: What's New Update Account Information Change Password Logout</p>	<p>Off Airport Construction (includes on Military Airport)</p> <p>My Cases (Off Airport) Add New Case (Off Airport) My Sponsors Add New Sponsor Air Traffic Areas of Responsibility</p> <p>My Cases by Status:</p> <table border="1"> <tr><td>Draft</td><td>0</td></tr> <tr><td>Accepted</td><td>0</td></tr> <tr><td>Add Letter</td><td>0</td></tr> <tr><td>Work in Progress</td><td>0</td></tr> <tr><td>Determined</td><td>0</td></tr> <tr><td>Circularized</td><td>0</td></tr> <tr><td>Terminated</td><td>0</td></tr> <tr><td>All</td><td>0</td></tr> </table> <p>Draft: Cases that have been saved by the user but have not been submitted to the FAA. Accepted: Cases that have been submitted to the FAA. Add Letter: Cases that have been reviewed by the FAA and require additional information from the user. Work in Progress: Cases that are being evaluated by the FAA. Determined: Cases that have a completed aeronautical study and an FAA determination. Terminated: Cases that are no longer valid. Please allow the FAA a minimum of 30 days to complete a study. Click here to contact the appropriate representative.</p>	Draft	0	Accepted	0	Add Letter	0	Work in Progress	0	Determined	0	Circularized	0	Terminated	0	All	0	<p>On Airport Construction (excludes on Military Airport)</p> <p>My Cases (On Airport) Add New Case (On Airport) My Sponsors Add New Sponsor ← Airports Regional Contacts</p> <p>My Cases by Status:</p> <table border="1"> <tr><td>Draft</td><td>0</td></tr> <tr><td>Waiting</td><td>0</td></tr> <tr><td>Accepted</td><td>179</td></tr> <tr><td>Add Letter</td><td>0</td></tr> <tr><td>Work in Progress</td><td>64</td></tr> <tr><td>Determined</td><td>4</td></tr> <tr><td>Terminated</td><td>0</td></tr> <tr><td>Deleted</td><td>0</td></tr> <tr><td>All</td><td>247</td></tr> </table> <p>Draft: Cases that have been saved by the user but have not been submitted to the FAA. Waiting: Cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach a sketch. Accepted: Cases that have been submitted to the FAA. Add Letter: Cases that have been reviewed by the FAA and require additional information from the user. Work in Progress: Cases that are being evaluated by the FAA. Determined: Cases that have completed a aeronautical study and an FAA determination. Terminated: Cases that are no longer valid.</p> <p>NOTE: Please use this section for filing on-airport constructions electronically.</p>	Draft	0	Waiting	0	Accepted	179	Add Letter	0	Work in Progress	64	Determined	4	Terminated	0	Deleted	0	All	247
Draft	0																																			
Accepted	0																																			
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Work in Progress	64																																			
Determined	4																																			
Terminated	0																																			
Deleted	0																																			
All	247																																			
<p>Email Notifications</p> <p>Circularized Case Notification</p>	<p>Help</p> <p>OE/AAA Support Desk Phone: 202-580-7500 Email: oeaia_helpdesk@cgitech.com</p>	<p>Documents</p> <ul style="list-style-type: none"> OE/AAA System User Guide FAA Acronyms 																																		

When the user selects “Add New Sponsor”, they will be presented with the following screen:

Add New Sponsor

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- The Sponsor can be you, your company, or your client. The sponsor is the person or business ultimately responsible for the construction or alteration. The sponsor appears as the addressee on all correspondence from the FAA.
- Please populate the following form to add or update a Sponsor.
- Required fields indicated with *

* **Sponsor Name:**

* **Attention Of:**

* **Address:**

Address2:

* **City:**

* **State:**

-OR-

* **Non-US State:**

* **Country:**

* **Zip / Post Code:**

* **Phone:** - - ext

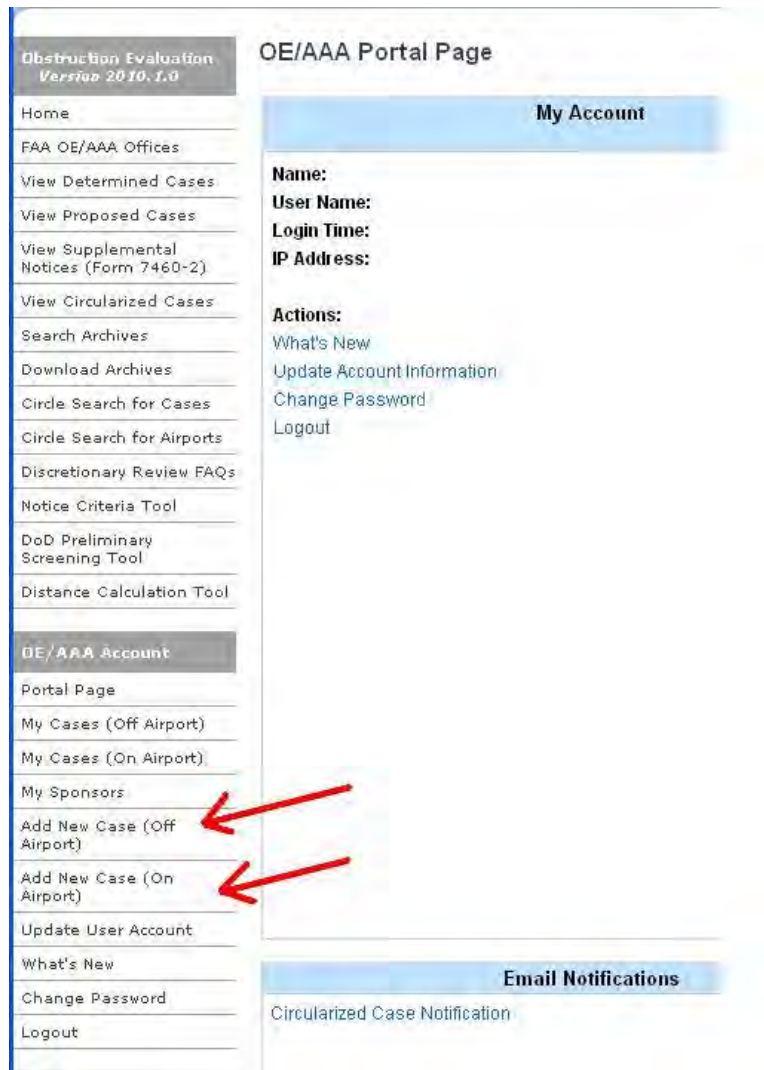
* **Fax:** - -

* **Email:**

NOTE: The party submitting information through the FAA website **DOES NOT** have to be the same as the sponsor. Often, a consultant or other party under direction from the sponsor makes the submittal through the website

Creating a New Submittal

There are two options for creating a new 7460 submittal. Again on the left side, either click “Add New Case (off airport)” or “Add New Case (on airport)”



There are some differences in the required fields for “on airport” vs. “off airport” but the differences are minor and self explanatory. One tip: for off airport submittals there is a field for “requested marking/lighting”. If the user does not have a preference, select other from the pull down menu and in the “other field” state “no preference”.

Notice of Proposed Construction or Alteration - Off Airport

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Sponsor (person, company, etc. proposing this action)
 * Sponsor:

Construction / Alteration Information

* Notice Of:

* Duration:

if Temporary : Months: Days:

Work Schedule - Start: (mm/dd/yyyy)

Work Schedule - End: (mm/dd/yyyy)

State Filing:

Structure Summary

* Structure Type:

* Structure Name:

FCC Number:

Prior ASN: - - - OE

Structure Details

* Latitude: ° ' " N

* Longitude: ° ' " W

* Horizontal Datum:

* Site Elevation (SE): (nearest foot)

* Structure Height (AGL): (nearest foot)

* Requested Marking/Lighting:

Other :

Audio Visual Warning System(AVWS): Yes

* Current Marking/Lighting:

Other :

* Nearest City:

* Nearest State:

* Description of Location:

* Description of Proposal:

Additional Location(s)

Add New Location(s)

Common Frequency Bands

<input type="checkbox"/>	Low Freq	High Freq	Freq Unit	ERP	ERP Unit
<input type="checkbox"/>	806	824	MHz	500	W
<input type="checkbox"/>	824	849	MHz	500	W
<input type="checkbox"/>	851	866	MHz	500	W
<input type="checkbox"/>	869	894	MHz	500	W
<input type="checkbox"/>	896	901	MHz	500	W
<input type="checkbox"/>	901	902	MHz	7	W
<input type="checkbox"/>	930	931	MHz	3500	W
<input type="checkbox"/>	931	932	MHz	3500	W
<input type="checkbox"/>	932	932.5	MHz	17	dBW
<input type="checkbox"/>	935	940	MHz	1000	W
<input type="checkbox"/>	940	941	MHz	3500	W
<input type="checkbox"/>	1850	1910	MHz	1640	W
<input type="checkbox"/>	1930	1990	MHz	1640	W
<input type="checkbox"/>	2305	2310	MHz	2000	W
<input type="checkbox"/>	2345	2360	MHz	2000	W

Specific Frequencies

Add Specific Frequency

Save **Cancel**

Accurate lat/long and site elevation is critical for an accurate airspace determination.

It is recommended that survey quality data be obtained from a recent survey, a GPS unit, or worst case, scaled from a topo quad.

- ➔ The most common “notice of” is construction. Select from pull down menu.
- ➔ Latitude and longitude must be entered for the structure/construction activity.
- ➔ Most 7460 submittals will require multiple points with lat/long unless the 7460 is for a pole/tower/ or other single point object. Buildings and construction areas all require points indicating the extents of the building or area. More information is provided below on how to add additional points to a submittal.
- ➔ There is a field to describe the activity taking place. In some complex activities the field does not provide enough room for the required text. An additional explanatory letter can be attached. Additional information is provided in this section on how to add a letter or document to the submittal.
- ➔ Red asterisks indicate the required fields.
- ➔ Unless there has been a previous aeronautical study for this submittal leave the “prior study” fields blank.
- ➔ Only select “common frequency bands” if the proposed structure will transmit a signal.

If the submittal is a building or construction area that is more than a single lat/long point the user must save the data first. Click save at the bottom of the page. This will bring up a summary screen of the case. To add more points click “clone” under the heading “actions”.

Notice of Proposed Construction or Alteration - Off Airport

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Project Name: TEST1-000119804-09

Sponsor: test10

Project Summary : TEST1-000119804-09

Add Another Case to this Project

Structure	City, State	Lat/Long	Map	Actions
sadfv Draft	edfv, TX	30° 30' 30.00" N 95° 30' 30.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 3.00" N 95° 41' 1.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 30.00" N 95° 1' 1.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 9.00" N 94° 4' 7.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 15.00" N 95° 41' 4.00" W	Verify Map	Delete Clone Upload a PDF

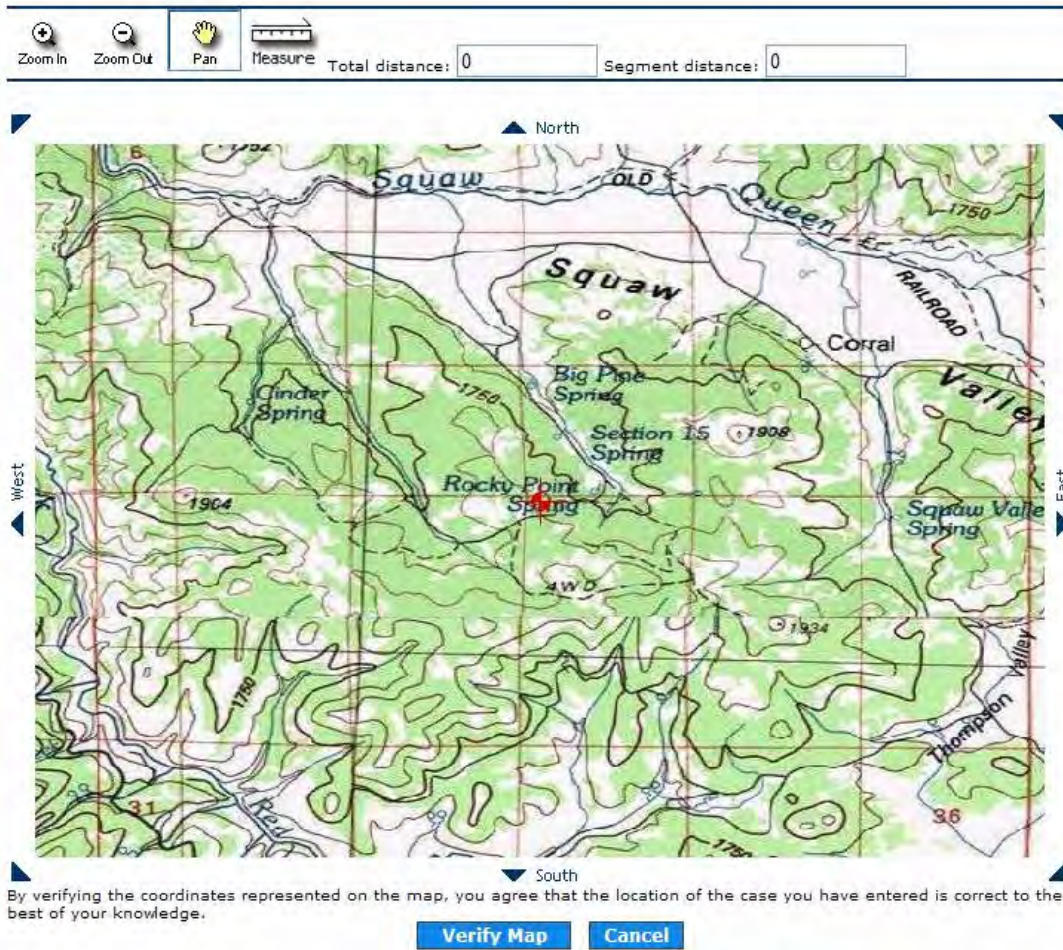
To submit this project, you must verify the coordinates of each case listed above.

The clone tool copies all the relevant information to a new page where an additional lat/long and elevation can be entered. However, the clone process does not number the various points of a proposed project. When entering the details for a point (see Image 5) it is helpful if the user assigns a number to the point and references the total number of points for the project (e.g. point 2 of 20). The numbering can be included in the project “description/remarks” field for each point.

It should be noted that each individual point associated with a project (e.g. each corner of a building) is evaluated individually, thus the importance of including a numbering system (2 of 20) in the text/description box.

Once done, click “save” again. Now the user will see two records under the “project summary” heading. Continue this process of cloning for all the remaining points.

Once all the points have been entered, each point must be verified. There is a red X with the words “verify map” indicating the user has not verified the location. Click Verify Map, a popup will display the lat/long point on a topo map and the user must verify that it is in the correct location. After clicking “verify map” on the popup, the red X will become a blue checkmark. It seems to be more efficient to enter all of the points associated with a project and then return to verify each point on the map at one time.



All on-airport project submittals must have a “project sketch” included. Under the “actions” column select “upload a PDF”. Once you have uploaded a sketch for all the points associated with the project the red X under “sketch” will turn to a green check mark. Off-airport projects do not require a “project sketch”, but the user can still upload one for informational purposes.

If the user needs to add any other information such as an explanatory letter, clicking on “upload a PDF” will allow the user to upload more documents, although only one at a time. Keep in mind that if additional PDFs or information are being provided, like the project sketch it must be uploaded to every point associated with the project.

Once the maps have been verified and sketches uploaded for all points associated with the case, the user will be able to submit the 7460 to the FAA for review.

Status of Submitted Projects

To check the status of a submittal, click on either “my cases (off airport)” or “my cases (on airport)” to see a list of what has been submitted. Each of the multiple points associated with one project will be listed as if they are separate, although still associated. The points will have a status:

ALL of My Cases (Off Airport)

[faa.gov Tools](#) | [Print this page](#)

All Cases	Filter by Case Status	Cases Requiring Action
Show All Cases (31)	Draft (15) Accepted (0) Work in Progress (0) Determined (0) Circularized (0) Terminated (16)	7460-2 Required (0) Add Letter (0)

Records 1 to 20 of 31

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Project Name	Structure Name	ASN	Status	Date Accepted	Date Determined	City	State
CITY -000038834-06	Test	2007-ASW-11935-OE	Terminated	12/27/2007	12/27/2007	Test	TX
CITY -000059482-07	sdv		Draft			ljkvnasd	AS
CITY -000059483-07			Draft			1WADC	TX
CITY -000060676-07	Clearing		Draft			Loackhaven	PA
GLYN -000102789-08	Belgrade		Draft			Memphis	TN
TEST -000017393-05			Draft			Test	TX
TEST -000017393-05			Draft			Test	VA
TEST -000026823-05	-2 Test	2005-ASW-5900-OE	Terminated	10/24/2005	01/26/2006	Test	TX
TEST -000042518-06			Draft			Test	PW
TEST -000054890-06			Draft			Miami	HI
TEST -000062979-07	Test	2007-ASW-2891-OE	Terminated	03/31/2007	03/31/2007	Test	TX
TEST -000068585-07	Test	2007-ASW-4498-OE	Terminated	06/06/2007	06/06/2007	Test	TX
TEST -000070702-07	Test	2007-AAL-169-OE	Terminated	06/28/2007	06/28/2007	test	AK
TEST -000073196-07	Test	2007-ASW-6665-OE	Terminated	07/28/2007	07/28/2007	Test	TX
TEST -000076148-07	Test Case	2007-ASW-7840-OE	Terminated	08/30/2007	09/24/2007	Test	TX
TEST -000080619-07	Test	2007-ASW-9818-OE	Terminated	10/25/2007	10/25/2007	Test	TX
TEST -000089176-08	test	2008-ASW-1637-OE	Terminated	02/28/2008	02/28/2008	Test	TX
TEST -000100444-08	test	2008-ASW-5488-OE	Terminated	08/04/2008	08/04/2008	Test	TX
TEST -000102393-08	test	2008-ASW-5898-OE	Terminated	08/28/2008	10/03/2008	Test	TX
TEST -000104649-08	test	2008-ASW-6317-OE	Terminated	10/03/2008	10/09/2008	test	TX

Records 1 to 20 of 31

Rows per Page: 20

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Project Status Definitions:

Draft: Cases that have been saved by the user but have not been submitted to the FAA.

Waiting: Cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach a sketch.

Accepted: Cases that have been submitted to the FAA.

Add Letter: Cases that have been reviewed by the FAA and require additional information from the user.

Work in Progress: Cases that are being evaluated by the FAA.

Determined: Cases that have a completed aeronautical study and an FAA determination.

Terminated: Cases that are no longer valid.

These definitions are also shown at the bottom of the summary screen.

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APPENDIX C

AIRPORT LAND USE COMPATIBILITY CONCEPTS

INTRODUCTION

This appendix provides basic information regarding the concepts and rationale used to develop the compatibility policies and maps set forth in Chapter 2 of this ~~LA~~/*Ontario International Airport Land Use Compatibility Plan*. Some of the material is excerpted directly from the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics in January 2002. Other portions are based upon concepts that evolved from technical input obtained during review and discussion of preliminary drafts of key policies.

State law requires that airport land use commissions “be guided by” the information presented in the *Handbook*. Despite the statutory reference to it, though, the *Handbook* does not constitute formal state policy or regulation. Indeed, adjustment of the guidelines to fit the circumstances of individual airports is suggested by the *Handbook*. The *Handbook* guidance and the information in this appendix does not supersede or otherwise take precedence over the policies contained in the ~~LA~~/*Ontario International Airport Land Use Compatibility Plan*.

As outlined in the *Handbook*, the noise and safety compatibility concerns fall into four categories:

- ➔ *Noise*: As defined by cumulative noise exposure contours describing noise from aircraft operations near an airport.
- ➔ *Overflight*: The impacts of routine aircraft flight over a community.
- ➔ *Safety*: From the perspective of minimizing the risks of aircraft accidents beyond the runway environment.
- ➔ *Airspace Protection*: Accomplished by limits on the height of structures and other objects in the airport vicinity and restrictions on other uses that potentially pose hazards to flight.

The documentation in the remainder of this appendix is organized under the four compatibility categories. Under each of the four compatibility category headings, the discussion is organized around four topics:

- ➔ *Compatibility Objective*: The objective to be sought by establishment and implementation of the compatibility policies;
- ➔ *Measurement*: The scale on which attainment of the objectives can be measured;
- ➔ *Compatibility Strategies*: The types of strategies which, when formulated as compatibility policies, can be used to accomplish the objectives; and
- ➔ *Basis for Setting Criteria*: The factors which should be considered in setting the respective compatibility criteria.

NOISE

Noise is perhaps the most basic airport land use compatibility concern. Certainly, it is the most noticeable form of airport impact.

Compatibility Objective

The purpose of noise compatibility policies is to avoid establishment of new noise-sensitive land uses in portions of an airport influence area that are exposed to significant levels of aircraft noise, taking into account the characteristics of the airport and the community surrounding the airport.

Measurement

For the purposes of airport land use compatibility planning, noise generated by the operation of aircraft to, from, and around an airport is primarily measured in terms of the cumulative noise levels of all aircraft operations. In California, the cumulative noise level metric established by state regulations, including for measurement of airport noise, is the Community Noise Equivalent Level (CNEL). Cumulative noise level metrics measure the noise levels of all aircraft operating at an airport on an average day (1/365) of the year. The calculations take into account not only the number of operations of each aircraft type and the noise levels they produce, but also their distribution geographically (the runways and flight tracks used) and by time of day. To reflect an assumed greater community sensitivity to nighttime and evening noise, the CNEL metric counts events during these periods as being louder than actually measured.

Cumulative noise level metrics provide a single measure of the average sound level in decibels (dB) to which any point near an airport is exposed over the course of a day. Although the maximum noise levels produced by individual aircraft are a major component of the calculations, cumulative noise level metrics do not explicitly measure these peak values. Cumulative noise levels are usually illustrated on airport area maps as contour lines connecting points of equal noise exposure. Mapped noise contours primarily show areas of significant noise exposures—ones affected by high concentrations of aircraft takeoffs and landings.

For civilian airports, noise contours are typically calculated using the Federal Aviation Administration's Integrated Noise Model (INM) computer program. The input information that generate this model are of two basic types: standardized data regarding aircraft performance and noise levels generated (this data can be adjusted for a particular airport if necessary); and airport-specific data including aircraft types and number of operations, time of day of aircraft operations, runway usage distribution, and the location and usage of flight tracks. Airport elevation and surrounding topographic data can also be entered. For airports with airport traffic control towers, some of these inputs can be obtained from recorded data. Noise monitoring and radar flight tracking data available for airports in metropolitan areas are other sources of valuable information. At most airports, though, the individual input variables must be estimated.

Compatibility Strategies

The basic strategy for achieving noise compatibility in an airport's vicinity is to limit development of land uses that are particularly sensitive to noise. The most acceptable land uses are ones that either involve few people (especially people engaged in noise-sensitive activities) or generate significant noise levels themselves (such as other transportation facilities or some industrial uses).

California state law regards any residential land uses as normally incompatible where the noise exposure exceeds 65 dB CNEL (although the state airport noise regulations explicitly apply only to identified “noise problem airports” in the context of providing the ability of these airports to operate under a noise variance from the State, the *Handbook* and other state guidelines extend this criterion to all airports as discussed below). This standard, however, is set with respect to high-activity airports, particularly major air carrier airports, in urban locations, where ambient noise levels are generally higher than in suburban and rural areas. As also discussed below and as provided in the *Handbook*, a lower threshold of incompatibility is often appropriate at certain airports, particularly around airports in suburban or rural locations where the ambient noise levels are lower than those found in more urban areas.

In places where the noise exposure is not so severe as to warrant exclusion of new residential development, the ideal strategy is to have very low densities—that is, parcels large enough that the dwelling can be placed in a less impacted part of the property. In urban areas, however, this strategy is seldom viable. The alternative for such locations is to encourage high-density, multi-family residential development with little, if any, outdoor areas, provided that the 45 dB CNEL interior noise standard and limitations based upon safety are not exceeded. Compared to single-family subdivisions, ambient noise levels are typically higher in multi-family developments, outdoor living space is less, and sound insulation features can be more easily added to the buildings. All of these factors tend to make aircraft noise less intrusive.

Sound insulation is an important requirement for residential and other noise-sensitive indoor uses in high noise areas. The California Building Code requires that sufficient acoustic insulation be provided in any habitable rooms of new hotels, motels, dormitories, dwellings other than detached single-family residences to assure that aircraft noise is reduced to an interior noise level of 45 dB CNEL or less. To demonstrate compliance with this standard, an acoustical analysis must be done for any residential structure proposed to be located where the annual CNEL exceeds 65 dB. The *Compatibility Plan* further requires dedication of an avigation easement as a condition for development approval in locations where these standards come into play.

Basis for Setting Criteria

Compatibility criteria related to cumulative noise levels are well-established in federal and state laws and regulations. The California Airport Noise Regulations (California Code of Regulations Section 5000 *et seq.*) states that:

“The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.”

No airport declared by a county’s board of supervisors as having a “noise problem” is to operate in a manner that result in incompatible uses being located within the 65 dB CNEL contour. Incompatible uses are defined as being: residences of all types; public and private schools; hospitals and convalescent homes; and places of worship. However, these uses are not regarded as incompatible where acoustical insulation necessary to reduce the interior noise level to 45 dB CNEL has been installed or the airport proprietor has acquired an avigation easement for aircraft noise.

As noted in the regulations, the 65 dB CNEL standard is set with respect to urban areas. For many airports and many communities, 65 dB CNEL is too high to be considered acceptable to “reasonable persons.” Through a process called “normalization,” adjustments can be made to take into account such

factors as the background noise levels of the community and previous exposure to particular noise sources. This process suggests, for example, that 60 dB CNEL may be a more suitable criterion for suburban communities not exposed to significant industrial noise and 55 dB CNEL may be appropriate for quiet suburban or rural communities remote from industrial noise and truck traffic. On the other hand, even though exceeding state standards, 70 dB CNEL may be regarded as an acceptable noise exposure in noisy urban residential communities near industrial areas and busy roads.

Industrial activity and transportation noise are undoubtedly two of the most prominent contributors to background noise levels in a community. According to a U.S. Environmental Protection Agency (EPA) study however, the variable that correlates best with ambient noise levels across a broad range of communities is population density (*Population Distribution of the United States as a Function of Outdoor Noise Level*, EPA Report No. 550/9-74-009, June 1974). This study established the following formula as a means of estimating the typical background noise level of a community:

$$DNL_{EPA} = 22 + 10 * \log(p)$$

where “p” is the population density measured in people per square statute mile.

These factors are reflected in the policies of this *Compatibility Plan*. The *Compatibility Plan* considers the 70 dB CNEL the maximum normally acceptable noise exposure for new multi-family residential and 65 dB CNEL for new single-family residential development near LA/Ontario International Airport. The *Compatibility Plan* also establishes noise insulation standards for residential and nonresidential development in areas exposed to noise levels of 65 dB CNEL or greater. Based upon the above EPA equation, these criteria are a minimum of 5 dB above the predicted ambient noise levels in the respective communities.

Similar considerations come into play with respect to establishing maximum acceptable noise exposure for nonresidential land uses, particularly those that are noise sensitive. For schools, lodging, and other such uses, a higher noise exposure may be tolerated in noisy urban communities than in quieter suburban and rural areas. For uses that are not noise sensitive or which generate their own noise, the maximum acceptable noise exposure levels tend to be the same regardless of ambient noise conditions. The criteria listed in Chapter 2 of this *Compatibility Plan* are set with these various factors in mind.

OVERFLIGHT

Experience at many airports has shown that noise-related concerns do not stop at the boundary of the outermost mapped CNEL contours. Many people are sensitive to the frequent presence of aircraft overhead even at low levels of noise. These reactions can mostly be expressed in the form of *annoyance*.

The *Handbook* notes that at many airports, particularly air carrier airports, complaints often come from locations beyond any of the defined noise contours. Indeed, heavily used flight corridors to and from metropolitan areas are known to generate noise complaints 50 miles or more from the associated airport. The basis for such complaints may be a desire and expectation that outside noise sources not be intrusive—or, in some circumstances, even distinctly audible—above the quiet, natural background noise level. Elsewhere, especially in locations beneath the traffic patterns of general aviation airports, a fear factor also contributes to some individuals’ sensitivity to aircraft overflights.

While these impacts may be important community concerns, the question of importance here is whether any land use planning actions can be taken to avoid or mitigate the impacts or otherwise address the concerns. Commonly, when overflight impacts are under discussion in a community, the focus is on modification of the flight routes. Indeed, some might argue that overflight impacts should be ad-

dressed solely through the aviation side of the equation—not only flight route changes, but other modifications to where, when, and how aircraft are operated. Such changes are not always possible because of terrain, aircraft performance capabilities, FAA regulations, and other factors. In any case, though, ALUCs, or other designated bodies, are particularly limited in their ability to deal with overflight concerns. Most significantly, they have no authority over aircraft operations. The most they can do to bring about changes is to make requests or recommendations. Even with regard to land use, the authority of ALUCs/designated bodies extends only to proposed new development and the delineation of an airport’s overall influence area. The authority and responsibility for implementing the *Compatibility Plan*’s policies and criteria rests with the local governments.

These limitations notwithstanding, there are steps which ALUCs/designated bodies can and should take to help minimize overflight impacts.

Compatibility Objective

The compatibility objective with respect to overflight is the same as for noise: avoid new land use development that can disrupt activities and lead to annoyance and complaints. However, given the extensive geographic area over which the impacts occur, this objective is unrealistic except relatively close to the airport. A feasible objective of overflight compatibility policies therefore is to help notify people about the presence of overflights near airports so that they can make informed decisions regarding acquisition or lease of property in the affected areas.

Measurement

Cumulative noise metrics such as CNEL are well-suited for use in establishing land use compatibility policy criteria and are the only noise metrics for which widely accepted standards have been adopted. However, these metrics are not very helpful in determining the extent of overflight impact areas. Locations where overflight concerns may be significant are typically well beyond where noise contours can be drawn with precision. Flight tracks tend to be quite divergent and noise monitoring data is seldom available. Moreover, even if the contours could be drawn precisely, the noise levels they would indicate may not be much above the ambient noise levels.

For the purposes of airport land use compatibility planning, two other forms of noise exposure information are more useful. One measure is the momentary, maximum sound level (L_{max}) experienced on the ground as the aircraft flies over while landing at and taking off from a runway. These noise levels can be depicted in the form of a noise “footprint” as shown in Figure C1 for a variety of airline and general aviation aircraft. Each of these footprints is broadly representative of those produced by other aircraft similar to the ones shown. The actual sound level produced by any single aircraft takeoff or landing will vary not only among specific makes and models of aircraft, but also from one operation to another of identical aircraft.

In examining the footprints, two additional points are important to note. One is the importance of the outermost contour. This noise level (65 dBA L_{max}) is the level at which interference with speech begins to be significant. Land uses anywhere within the noise footprint of a given aircraft would experience a noise level, even if only briefly, that could be disruptive to outdoor conversation. Indoors, with windows closed, the aircraft noise level would have to be at least 20 dBA louder to present similar impacts. A second point to note concerns the differences among various aircraft, particularly business jets. As the data shows, business jets manufactured in the 1990s are much quieter than those of 10 and 20 years earlier. The impacts of the 1990s era jets are similar to those of twin-engine piston aircraft and jets being made in the 2000s are quieter yet. At many general aviation airports, the size of the CNEL contours is driven by a relatively small number of operations by the older, noisier business jets. These air-

craft are gradually disappearing from the nationwide aircraft fleet and are likely to be gone within 20 years, but at this point in time it is uncertain when they will be completely eliminated.

Another useful form of overflight information is a mapping of the common flight tracks used by aircraft when approaching and departing an airport. Where available, recorded radar data is an ideal source for flight track mapping. Even more revealing is to refine the simple flight track mapping with data such as the frequency of use and/or aircraft altitudes. Chapter 1 includes a sample of actual flight tracks and flight altitudes of aircraft using ~~LA~~/Ontario International Airport.

Compatibility Strategies

The ideal land use compatibility strategy with respect to overflight annoyance is to avoid development of new residential and other noise-sensitive uses in the affected locations. However, as mentioned before this approach is not practical and other strategies need to be explored.

The strategy emphasized in this *Compatibility Plan* is to help people with above-average sensitivity to aircraft overflights—people who are highly *annoyed* by overflights—to avoid living in locations where frequent overflights occur. This strategy involves making people aware of an airport’s proximity and its current and potential aircraft noise impacts on the community before they move to the area. This can be accomplished through buyer awareness measures such as dedication of avigation or overflight easements, recorded deed notices, and/or real estate disclosure statements. In new residential developments, posting of signs in the real estate sales office and/or at key locations in the subdivision itself can be further means of alerting the initial purchasers about the impacts (signs, however, generally do not remain in place beyond the initial sales period and therefore are of little long-term value).

A second strategy is to minimize annoyance by promoting land uses that tend to mask or reduce the intrusiveness of aircraft noise. Although this strategy does not directly appear in the overflight policies of this *Compatibility Plan*, the objectives of the plan would be well-served if local jurisdictions take this concept into consideration in their own planning efforts. For example, multi-family residential uses would be a better choice to place within aircraft overflight areas because they tend to have comparatively little outdoor living areas, fewer external walls through which aircraft noise can intrude, and relatively high noise levels of their own. However, low-density single family residential with densities of 1 unit per acre are discouraged since background noise levels are likely to be low making residents more susceptible to aircraft noise.

Basis for Setting Criteria

In California, definitive guidance on where overflight impacts are significant or what actions should be taken in response comes from a state law that went into effect on January 2004. California statutes (Business and Profession Code Section 11010 and Civil Code Sections 1103 and 1353) now require most residential real estate transactions, including new subdivisions, to include disclosure that an airport is nearby. The area encompassed by the disclosure requirements is two miles from the airport or the airport influence area established by the county’s airport land use commission. The law defines the airport influence area as “the area in which current or future airport-related noise, overflight, safety, or air-space protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.” This *Compatibility Plan* requires that the disclosure of airport proximity be applied to all new residential development within the airport influence area and recommends that disclosure be provided as part of all real estate transactions involving private property, especially any sale, lease, or rental of residential property.

SAFETY

Compared to noise, safety is in many respects a more difficult concern to address in airport land use compatibility policies. A major reason for this difference is that safety policies address uncertain events that may occur with occasional aircraft operations, whereas noise policies deal with known, more or less predictable events which do occur with every aircraft operation. Because aircraft accidents happen infrequently and the time, place, and consequences of an individual accident's occurrence cannot be predicted, the concept of risk is central to the assessment of safety compatibility.

Compatibility Objective

The overall objective of safety compatibility criteria is to minimize the risks associated with potential off-airport aircraft accidents and emergency landings beyond the runway environment. There are two components to this objective:

- ➔ *Safety on the Ground:* The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- ➔ *Safety for Aircraft Occupants:* The other important component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that takes place beyond the immediate runway environment.

Measurement

Because aircraft accidents happen infrequently, measuring the risks associated with their occurrence is difficult. It is necessary to look beyond an individual airport in order to assemble enough data to be statistically valid. It is beyond the intent of this discussion to provide statistical data about aircraft accidents. Much can be found on that topic in the *Handbook*. However, certain aspects of aircraft accidents are necessary to discuss in that they have a direct bearing on land use compatibility strategies.

From the standpoint of land use planning, two variables determine the degree of risk posed by potential aircraft accidents: frequency and consequences.

The frequency variable measures *where* and *when* aircraft accidents occur in the vicinity of an airport. More specifically, these two elements can be described as follows:

- ➔ *Spatial Element:* The spatial element describes *where* aircraft accidents can be expected to occur. Of all the accidents that take place in the vicinity of airports, what percentage occurs in any given location?
- ➔ *Time Element:* The time element adds a *when* variable to the assessment of accident frequency. In any given location around a particular airport, what is the chance that an accident will occur in a specified period of time?

Spatial Distribution of Aircraft Accidents

Of these two elements, the spatial element is the one most meaningfully applied to land use compatibility planning around an individual airport. Looking at airports nationwide, enough accidents have occurred to provide useful data regarding where accidents are most likely to occur. The *Handbook* uses accident data to define a set of safety zones. Additionally, the relative concentration of accidents in certain parts of the airport environs is a key consideration in the establishment of compatibility criteria applicable within those zones.

In contrast, the time element is not very useful for land use compatibility planning purposes for several reasons. First, at any given airport, the number of accidents is, with rare exceptions, too few to be statistically meaningful in determining where future accidents might occur. Secondly, a calculation of accident frequency over time depends upon the size of the area under consideration—the smaller the area examined, the less likely it is that an accident will occur in that spot. Lastly, even if the accident frequency over a period of time is calculated, there are no clear baselines with which to compare the results.

The *Handbook* presents a set of diagrams indicating where accidents are most likely to occur around airline and general aviation airports. Figures C2 and C3 show the spatial distribution of general aviation aircraft accidents in the vicinity of airports. (Note that these charts show data for all general aviation accidents in the *Handbook* database. Data on accidents associated with different lengths of runway is also provided. The *Handbook* accident distribution data plus the generic safety zones for air carrier runways is considered in delineation of the safety zones depicted in Chapter 1 of this *Compatibility Plan*.)

The charts reveal several facts:

- ➔ About half of arrival accidents and a third of departure accidents take place within the FAA-defined runway protection zone for a runway with a low-visibility instrument approach procedure (a 2,500-foot long trapezoid, varying from 1,000 feet wide at the inner edge to 1,750 feet in width at the outer end). This fact lends validity to the importance of the runway protection zones as an area within which land use activities should be minimal.
- ➔ Although accident risk levels are the highest within the runway protection zones, a significant degree of risk exists well beyond the runway protection zone boundaries. Among all near-airport (within 5 miles) accidents, over 80% are concentrated within 1.5 to 2.0 miles of a runway end.
- ➔ Arrival accidents tend to be concentrated relatively close to the extended runway centerline. Approximately 80% occur within a strip extending 10,000 feet from the runway landing threshold and 2,000 feet to each side of the runway centerline.
- ➔ Departure accidents are comparatively more dispersed laterally from the runway centerline, but are concentrated closer to the runway end. Many departure accidents also occur lateral to the runway itself, particularly when the runway is long. Approximately 80% of the departure accident sites lie within an area 2,500 feet from the runway centerline and 6,000 feet beyond the runway end or adjacent to the runway.

To provide some sense of order to the scatter of individual accident points, an analysis presented in the *Handbook* involves aggregating the accident location points (the scatter diagrams of where accidents have occurred relative to the runway) in a manner that better identifies where the accident sites are most concentrated. The results are presented as risk intensity contours—Figure C2 shows arrival accident risks and Figure C3 portrays departure accident risks. The two drawings divide the near-airport accident location points into five groups of 20% each (note that only accident sites that were not on a runway, but were within 5 miles of an airport are included in the database). The 20% contour represents the highest or most concentrated risk intensity, the 40% contour represents the next highest risk intensity, and so on up to 80%. The final 20% of the accident sites are beyond the 80% contour. Each contour is drawn so as to encompass 20% of the points within the most compact area. The contours are irregular in shape. No attempt has been made to create geometric shapes. However, the risk contours can serve as the basis for creating geometric shapes that can then be used as safety zones and the *Handbook* contains several examples.

The *Handbook* takes the additional step of translating the risk contours into several sets of generic safety zones having regular geometric shapes. Generic safety zones are illustrated for different types and lengths of runways. The shapes of these zones reflect not just the accident distribution data, but also the ways in which different phases of aircraft operations create different accident risk characteristics near an airport. For most runways, the *Handbook* suggests creation of six safety zones. The locations, typical dimensions, and characteristics of the accident risks within each zone are outlined in Table C1. The degree of risk exposure within each safety zone is listed below.

- ➔ *Zone 1* clearly is exposed to the greatest risk of aircraft accidents. For civilian airports, the dimensions of this zone are established by FAA standards. FAA encourages airport ownership of this zone and provides specific land use standards. Where the land is not airport owned, the FAA says these standards serve as recommendations.
- ➔ *Zone 2* lies beyond *Zone 1* and also has a significant degree of risk as reflected in both national and local accident location data.
- ➔ *Zone 3* has less risk than *Zone 2*, but more than *Zones 4, 5, or 6*. *Zone 3* encompasses locations where aircraft often turn at low altitude while approaching or departing the runway.
- ➔ *Zone 4* lies along the extended runway centerline beyond *Zone 2* and is especially significant at airports that have straight-in instrument approach procedures or a high volume of operations that results in an extended traffic pattern.
- ➔ *Zone 5* is a unique area lying adjacent to the runway and, for most airports, lies on airport property. The risk is comparable to *Zone 4*.
- ➔ *Zone 6* contains the aircraft traffic pattern. Although a high percentage of accidents occur within *Zone 6*, for any given runway *Zone 6* is larger than all the other zones combined. Relative to the other zones, the risks in *Zone 6* are much less, but are still greater than in locations more distant from the airport.

Although accident location data, together with information on how aircraft flight parameters affect where accidents occur, are the bases for delineation of the generic safety zones, the *Handbook* indicates that adjustments to the zone sizes and shapes must be made in recognition of airport-specific characteristics. Among these characteristics are:

- ➔ The particular mix of aircraft types operating at the airport. Larger aircraft generally are faster than smaller planes and thus fly longer and wider traffic patterns or make straight-in approaches.
- ➔ The overall volume of aircraft operations. At busy airports, a larger traffic pattern is common because aircraft have to get in sequence for landing.
- ➔ Nearby terrain or other airports. These physical features may, for example, limit a traffic pattern to a single side of the airport or dictate “nonstandard” approach and departure routes.
- ➔ Instrument approach procedures. Aircraft following these procedures typically fly long, straight-in, gradual descents to the runway. In some cases, though, an approach route may be aligned at an angle to the runway rather than straight in.
- ➔ Existence of an air traffic control tower. When a tower is present, controllers may direct or allow pilots to fly unusual routes in order to expedite traffic flow. By comparison, at relatively busy but non-towered airports, aircraft mostly follow the “standard” pattern dictated by federal aviation regulations.

- ➔ A dominant direction of traffic flow. As reflected in the Handbook analysis of accident locations, landing aircraft tend to follow routes directly in line with the runway during final descent and thus accident sites also are concentrated along this alignment. Departing aircraft are more likely to turn to head to their intended destination and the accident pattern is thus more dispersed. On runways where the flow of aircraft operations is almost always in one direction, this distinction in accident patterns is considered.

Radar data is particularly helpful in showing exactly where aircraft fly when approaching or departing an airport. This data can be used to further support adjustments to the safety zones based upon the above characteristics.

Accident Consequences

The consequences variable describes *what* happens when an aircraft accident occurs. Specific measures can be defined in terms of deaths, injuries, property damage, or other such characteristics. In many respects, the consequences component of aircraft accident risk assessment is a more important variable than accident frequency. Not only can a single accident cost many lives, it can indirectly force operational changes or even airport closure.

Relatively little data is available specifically documenting the consequences of aircraft accidents. Except with regard to numbers of deaths or injuries to people on the ground, data on various aspects of aircraft accidents must be used to infer what the consequences have been. Swath size is one useful piece of information. It indicates the area over which accident debris is spread. Swath size in turn depends upon the type of aircraft and the nature of the accident: was the aircraft in controlled flight (an engine failure for example), but then collided with something on the ground or did a catastrophic event (such as a mid-air collision or stall-spin) result in the aircraft making an uncontrolled descent? For small general aviation aircraft, the swath size data suggests that a controlled emergency landing in which the aircraft occupants have a strong chance of surviving is possible in an area about the size of a football field: 75 feet by 300 feet or about 0.5 acre. For larger aircraft, the minimum flight speed is so much higher that the consequences for people on board and anyone on the ground are likely to be high regardless of the land use or terrain characteristics.

Compatibility Strategies

The relatively low numbers of deaths and injuries from aircraft accidents is sometimes cited as indicating that the risks are low. Clearly, though, the more people occupying the critical areas around airports, the greater the risks are. Aircraft accidents may be rare occurrences, but when they occur, the consequences can be severe.

From a land use compatibility perspective, it is therefore essential to avoid conditions that can lead to catastrophic results. Basically, the question is: what land use planning measures can be taken to reduce the severity of an aircraft accident if one occurs in a particular location near an airport? Although there is a significant overlap, specific strategies must consider both components of the safety compatibility objective: protecting people and property on the ground; and, primarily for general aviation airports, enhancing safety for aircraft occupants. In each case, the primary strategy is to limit the intensity of use (the number of people concentrated on the site) in locations most susceptible to an off-airport aircraft accident. This is accomplished by three types of criteria.

Density and Intensity Limitations

Establishing criteria that limits the maximum number of dwellings or people in areas close to the airport is the most direct method of reducing the potential severity of an aircraft accident. In setting these criteria, consideration must be given to the two different forms of aircraft accidents: those in which the aircraft is descending, but is flying and under directional control of the pilot; and those in which the aircraft is out of control as it falls. Limits on usage intensity—the number of people per acre—must take into account both types of potential aircraft accidents. The policies in Chapter 2 address both of these circumstances. Limiting the average usage intensity over a site reduces the risks associated with either type of accident. In most types of land use development, though, people are not spread equally throughout the site. To minimize the risks from an uncontrolled accident, the policies also limit the extent to which people can be concentrated and development can be clustered in any small area.

Open Land Requirements

Requirements of undeveloped open land near an airport addresses the objective of enhancing safety for the occupants of an aircraft forced to make an emergency landing away from a runway. If sufficiently large and clear of obstacles, open land areas can be valuable for light aircraft anywhere near an airport. For large and high-performance aircraft, however, open land has little value for emergency landing purposes and is useful primarily where it is an extension of the clear areas immediately adjoining a runway.

Highly Risk-Sensitive Uses

Certain critical types of land uses—particularly schools, hospitals, and other uses in which the mobility of occupants is effectively limited—should be avoided near the ends of runways regardless of the number of people involved. Critical community infrastructure also should be avoided near airports. These types of facilities include power plants, electrical substations, public communications facilities and other facilities, the damage or destruction of which could cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Lastly, aboveground storage of large quantities (6,000 gallons or greater) of highly flammable or hazardous materials may pose high risks if involved in an aircraft accident and therefore are incompatible close to runway ends.

Basis for Setting Criteria

As with noise contours, risk data by itself does not answer the question of what degree of land use restrictions should be established in response to the risks. Although most compatibility policies restrict certain land use activities in locations beyond the runway protection zones, the size of the area in which restrictions are established and the specific restrictions applied vary from one county to another.

Data useful in defining the geographic extent of airport safety areas was discussed above. To set safety compatibility criteria applicable within these zones presents the fundamental question of what is safe. Expressed in another way: what is an *acceptable risk*? In one respect, it may seem ideal to reduce risks to a minimum by prohibiting most types of land use development from areas near airports. However, as addressed in the *Handbook*, there are usually costs associated with such high degrees of restrictiveness. In practice, safety criteria are set on a progressive scale with the greatest restrictions established in locations with the greatest potential for aircraft accidents.

Little established guidance is available to ALUCs/designated bodies regarding how restrictive to make safety criteria for various parts of an airport's environs. Unlike the case with noise, there are no formal federal or state laws or regulations which set safety criteria for airport area land uses for civilian airports except within *runway protection zones* (and with regard to airspace obstructions as described separately in

the next section). Federal Aviation Administration safety criteria primarily are focused on the runway and its immediate environment. Runway protection zones—then called *clear zones*—were originally established mostly for the purpose of protecting the occupants of aircraft which overrun or land short of a runway. Now, they are defined by the FAA as intended to enhance the protection of people and property on the ground.

The most useful place from which ALUCs/designated bodies can begin to determine appropriate safety compatibility criteria for airport environs is the *Handbook* itself. Although not regulatory in nature, state law obligates ALUCs/designated bodies to “be guided by” the information presented in the *Handbook*. Suggested usage intensity limitations, measured in terms of people per acre, are set forth along with other safety criteria. Reference should be made to that document for detailed description of the suggested criteria. Three risk-related variables discussed in the *Handbook* are worth noting here, however.

- ➔ *Runway Proximity:* In general, the areas of highest risk are closest to the runway ends and secondarily along the extended runway centerline. However, many common aircraft flight tracks do not follow along the runway alignment, particularly on departures. Also, where an aircraft crashes may not be along the flight path that was intended to be followed. As indicated in Figures C2 and C3, these factors affect the risk distribution.
- ➔ *Urban versus Rural Areas:* Irrespective of airports, people living in urban areas face different types of risks than those living in rural areas. The cost of avoiding risks differs between these two settings as well. The *Handbook* acknowledges these differences by indicating that usage intensities can be higher in heavily developed urban areas compared to partially undeveloped suburban areas or minimally developed rural locations, yet be equivalent in terms of the level of acceptable risk.
- ➔ *Existing versus Proposed Uses:* Another distinction in compatibility policies can be drawn between existing and proposed development. It is reasonable for safety-related policies to be established which prohibit certain types of new development while considering identical existing development to be acceptable. The *Handbook* notes that cost is an important factor in this regard. The range of risks can be divided into three levels (see page 9-15 of the *Handbook*). At the bottom of this scale are negligible and acceptable risks for which no action is necessary. At the top are intolerable risks for which action is necessary regardless of the cost. In between are risks that are significant, but tolerable. Whether action should be taken to reduce these risks depends upon the costs involved. Typically, the cost of removing an incompatible development is greater than the cost of avoiding its construction in the first place.

Preparation of this *Compatibility Plan* has been greatly guided by the *Handbook* information. The *Handbook*, though, also recognizes the importance of tailoring compatibility plans to local circumstances. Such has been the case with the safety compatibility criteria included in this *Compatibility Plan*.

AIRSPACE PROTECTION

Relatively few aircraft accidents are caused by land use conditions that are hazards to flight. The potential exists, however, and protecting against it is essential to airport land use safety compatibility. In addition, and importantly, land use conditions that are hazards to flight may impact the continued viability of airport operations and limit the ability of an airport to operate in the manner identified by the airport proprietor in an adopted airport master plan and airport layout plan.

Compatibility Objective

Because airspace protection is in effect a safety factor, its objective can likewise be thought of in terms of risk. Specifically, the objective is to avoid development of land use conditions that, by posing hazards to flight, can increase the risk of an accident occurring. The particular hazards of concern are:

- ➔ Airspace obstructions;
- ➔ Wildlife hazards, particularly bird strikes; and
- ➔ Land use characteristics that pose other potential hazards to flight by creating visual or electronic interference with air navigation.

The purpose of airspace protection policies is to ensure that structures and other uses do not cause hazards to aircraft in flight within the airport vicinity. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards (particularly bird strikes), and land use characteristics that create visual or electronic interference with aircraft navigation or communication. This is accomplished by creating policies that place limits on the height of structures and other objects within the airport vicinity and restrictions on other uses that potentially pose hazards to flight.

Measurement

The measurement of requirements for airspace protection around an airport is a function of several variables including: the dimensions and layout of the runway system; the type of operating procedures established for the airport; and, indirectly, the performance capabilities of aircraft operated at the airport.

- ➔ *Airspace Obstructions:* Whether a particular object constitutes an airspace obstruction depends upon two factors: the height of the object relative to the runway elevation; and its proximity to the airport. The acceptable height of objects near an airport is most commonly determined by application of standards set forth in Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*. These regulations establish a three-dimensional space in the air above an airport. Any object which penetrates this volume of airspace is considered to be an “obstruction” and may affect the aeronautical use of the airspace. Additionally, as described below, another set of airspace protection surfaces is defined by the U.S. *Standard for Terminal Instrument Procedures*, known as TERPS. Although the intended function of these standards is in design of instrument approach and departure procedures, they can be important in land use compatibility planning in situations where ground elevations near an airport exceed the FAR Part 77 criteria.
- ➔ *Wildlife and Other Hazards to Flight:* The significance of other potential hazards to flight is principally measured in terms of the hazards’ specific characteristics and their distance from the airport and/or its normal traffic patterns.

Compatibility Strategies

Compatibility strategies for the protection of airport airspace are directly associated with individual types of hazards:

- ➔ *Airspace Obstructions:* Buildings, antennas, other types of structures, and trees should be limited in height so as not to pose a potential hazard to flight.
- ➔ *Wildlife and Other Hazards to Flight:* Land uses that may create other types of hazards to aircraft in flight near an airport should be avoided or modified to remove the potential hazard.

Basis for Setting Criteria

The criteria for determining airspace obstructions have been long-established in FAR Part 77. Also, state of California regulation of obstructions under the State Aeronautics Act (Public Utilities Code, Section 21659) is based on FAR Part 77 criteria. A shortcoming of FAR Part 77 criteria, however, is that they often are too generic to fit the conditions specific to individual airports. The airspace protection surfaces defined in these regulations can be either more or less restrictive than appropriate for a particular airport. The surfaces can be less restrictive than essential in instances where an instrument approach procedure or its missed approach segment are not aligned with the runway. FAR Part 77 also does not take into account instrument departure procedures which, at some airports, can have critical airspace requirements. Oppositely, FAR Part 77 provides no useful guidance as to acceptable heights of objects located where the ground level already penetrates the airspace surfaces.

To define airspace protection surfaces better suited to these situations, reference must be made the TERPS standards mentioned above. These standards are used for creation of instrument approach and departure procedures. Thus they exactly match the procedures in effect at an individual airport. Unlike the FAR Part 77 surfaces, the elevations of which are set relative to the runway end elevations irrespective of surrounding terrain and obstacles, the TERPS surface elevations are directly determined by the location and elevation of critical obstacles. By design, neither the ground nor any obstacles can penetrate a TERPS surface. However, construction of a tall object that penetrates a TERPS surface can dictate immediate modifications to the location and elevation of the surfaces and directly cause minimum flight visibility and altitudes to be raised or the instrument course to be realigned. In severe instances, obstructions can force a procedure to be cancelled altogether. A significant downside to use of TERPS surfaces for compatibility planning purposes is that they are highly complex compared to the relative simplicity of FAR Part 77 surfaces. Also, the configuration and/or elevations of TERPS surfaces can change not only in response to new obstacles, but as implementation of new navigational technologies permits additional or modified instrument procedures to be established at an airport.

In the Compatibility Policy Map: Airspace Protection Zones presented in Chapter 2 of this *Compatibility Plan*, primary reliance is placed upon FAR Part 77 criteria. Where an instrument approach procedure is established, the associated TERPS surfaces are depicted as well. In most locations, the TERPS surfaces are well above the underlying terrain and present no significant constraint on land use development. As a precaution to help ensure that tall towers or antennas located on high terrain do not penetrate a TERPS surface, places where the ground elevation comes within 100 feet of a TERPS surface are shown on the map.

Among other hazards to flight, bird strikes no doubt represent the most widespread concern. The FAA recommends that uses known to attract birds—sanitary landfills being a primary example—be kept at least 10,000 feet away from any runway used by turbine-powered aircraft. More information regarding criteria for avoidance of uses that can attract wildlife to airports can be found in FAA Advisory Circulars 150/5200-34 and 150/5300-33.

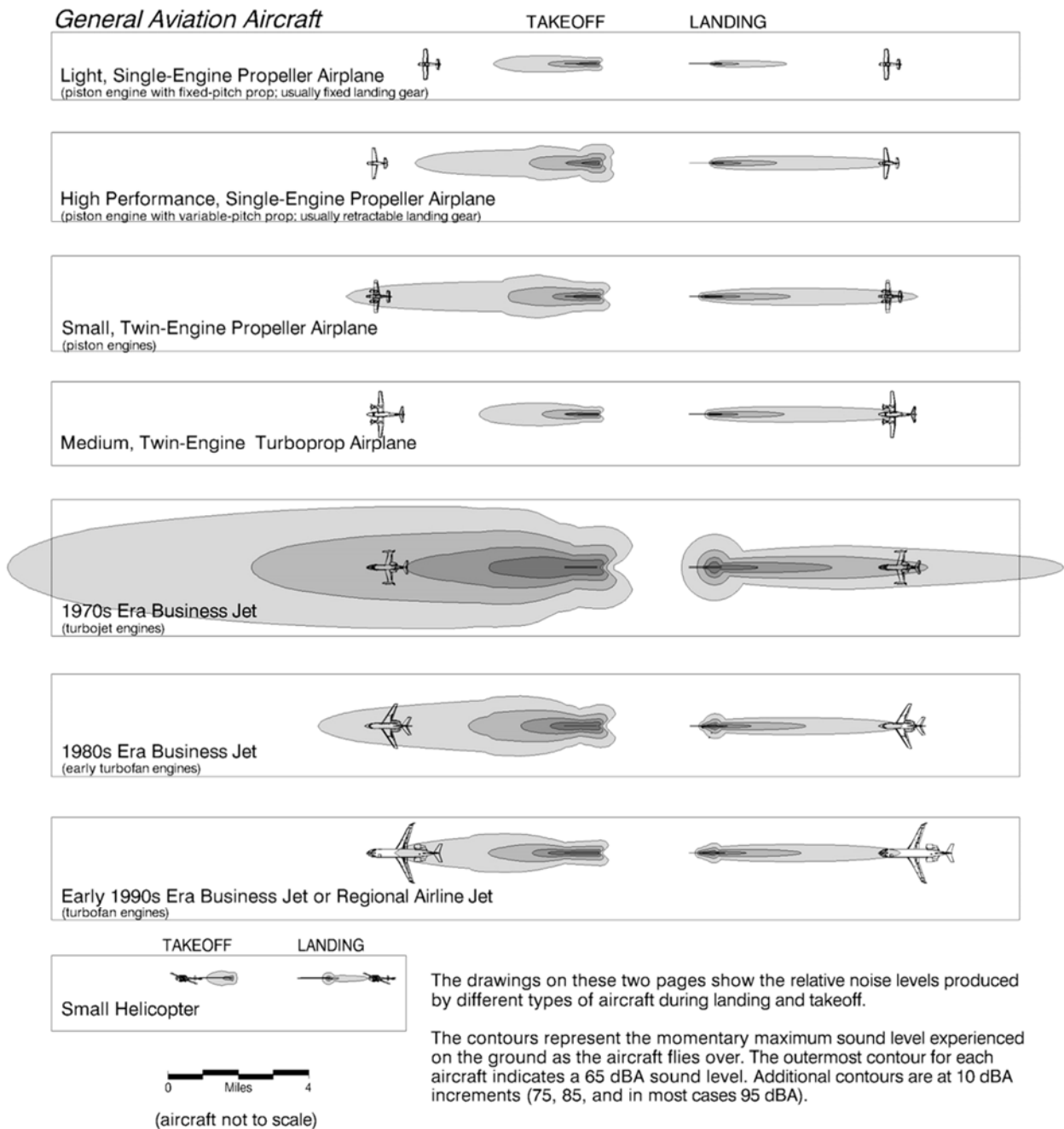
Other flight hazards include land uses that may cause visual or electronic hazards to aircraft in flight or taking off or landing at the airport. Specific characteristics to be avoided include sources of glare or bright lights, distracting lights that could be mistaken for airport lights, sources of dust, steam, or smoke that may impair pilot visibility, and sources of electrical interference with aircraft communications or navigation.

Table C1
Safety Zone Aircraft Accident Risk Characteristic

Zone	Description	Nominal Dimensions (California Airport Land Use Planning Handbook)	Relative Risk Level	Nature of Accident Risk	% of Accidents in Zone (Handbook Database)
1	Runway Protection Zone and within Runway Primary Surface primarily on airport property; airport ownership encouraged	Depending upon approach visibility minimums: 1,200 feet minimum, 2,700 feet maximum beyond runway ends; 125 to 500 feet from centerline adjacent to runway (zone dimensions established by FAA standards) Acreage (one runway end): 8 to 79 (RPZ only)	Very High	Landing undershoots and overshoots; overruns on aborted takeoffs; loss of control on takeoff	Arrivals: 28%–56% Departures: 23%–29% Total: 33%–39%
2	Inner Safety Zone	Along extended runway centerline, to a distance of 2,000 feet minimum, 6,000 feet maximum beyond runway ends Acreage (one runway end): 44 to 114	High	Aircraft at low altitude with limited directional options in emergencies: typically under 400 feet on landing; on takeoff, engine at maximum stress	Arrivals: 9%–15% Departures: 3%–28% Total: 8%–22%
3	Inner Turning Zone	Fan-shaped area adjacent to Zone 2 extending 2,000 feet minimum, 4,000 feet maximum from runway ends Acreage (one runway end): 50 to 151	Moderate	Turns at low altitude on arrival for aircraft flying tight base leg present stall-spin potential; likely touchdown area if emergency at low altitude on takeoff, especially to left of centerline	Arrivals: 2%–6% Departures: 5%–9% Total: 4%–7%
4	Outer Safety Zone	Along extended runway centerline extending 3,500 feet minimum, 10,000 feet maximum beyond runway ends Acreage (one runway end): 35 to 92	Low to Moderate	Low altitude overflight for aircraft on straight-in approaches, especially instrument approaches; on departure, aircraft normally complete transition from takeoff power and flap settings to climb mode and begin turns to en route heading	Arrivals: 3%–8% Departures: 2%–4% Total: 2%–6%
5	Sideline Zone primarily on airport property	Adjacent to runway, 500 feet minimum, 1,000 feet maximum from centerline Acreage: varies with runway length	Low to Moderate	Low risk on landing; moderate risk from loss of directional control on takeoff, especially with twin-engine aircraft	Arrivals: 1%–3% Departures: 5%–8% Total: 3%–5%
6	Traffic Pattern Zone (applicable only to general aviation runways)	Oval area around other zones: 5,000 feet minimum, 10,000 feet maximum beyond runway ends; 4,500 feet minimum, 6,000 feet maximum from runway centerline Acreage: varies with runway length	Low	Significant percentage of accidents, but spread over wide area; widely varied causes	Arrivals: 10%–21% Departures: 24%–39% Total: 18%–29%

Figure C1

Noise Footprints of Selected Aircraft



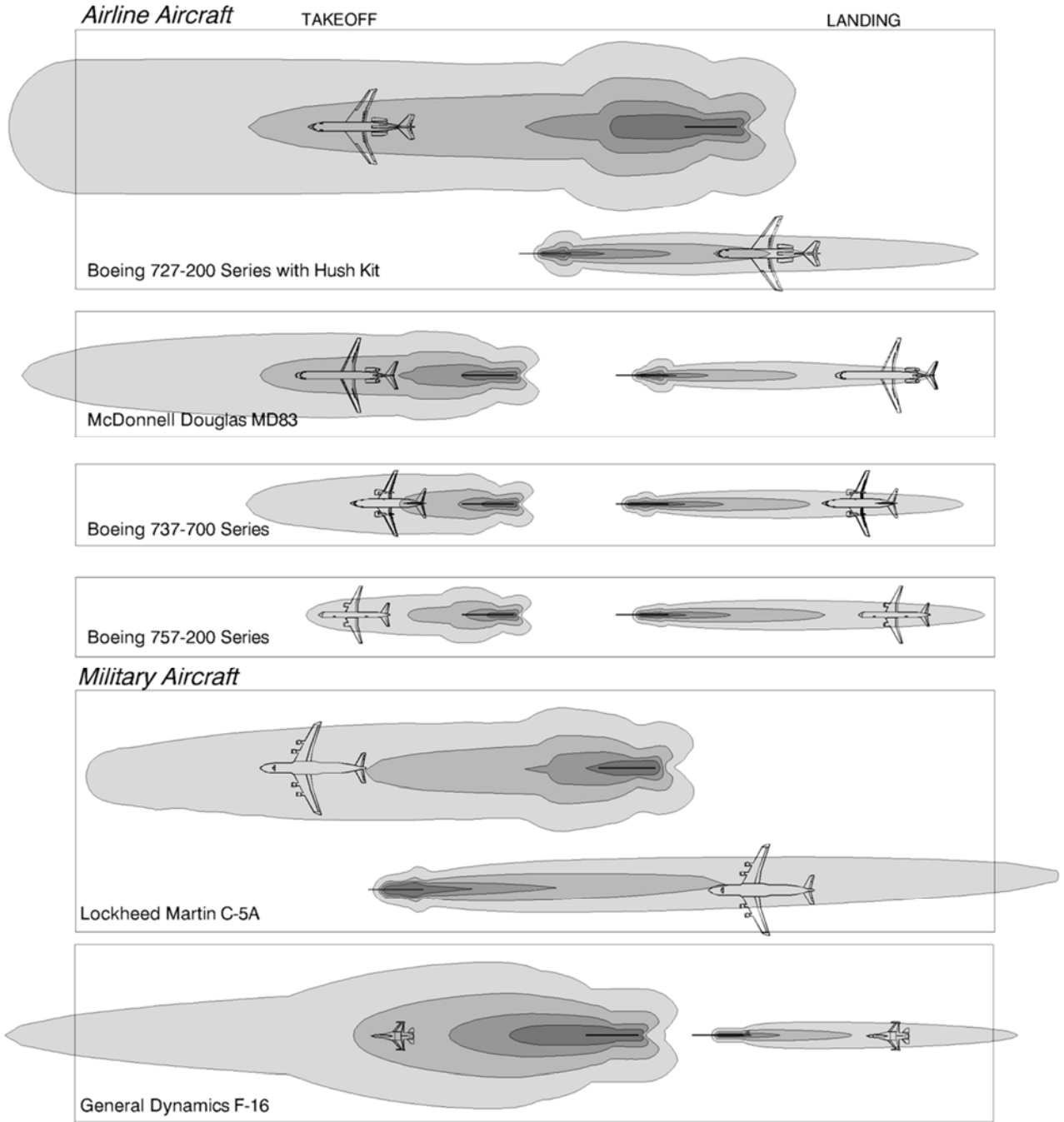


Figure C1, continued

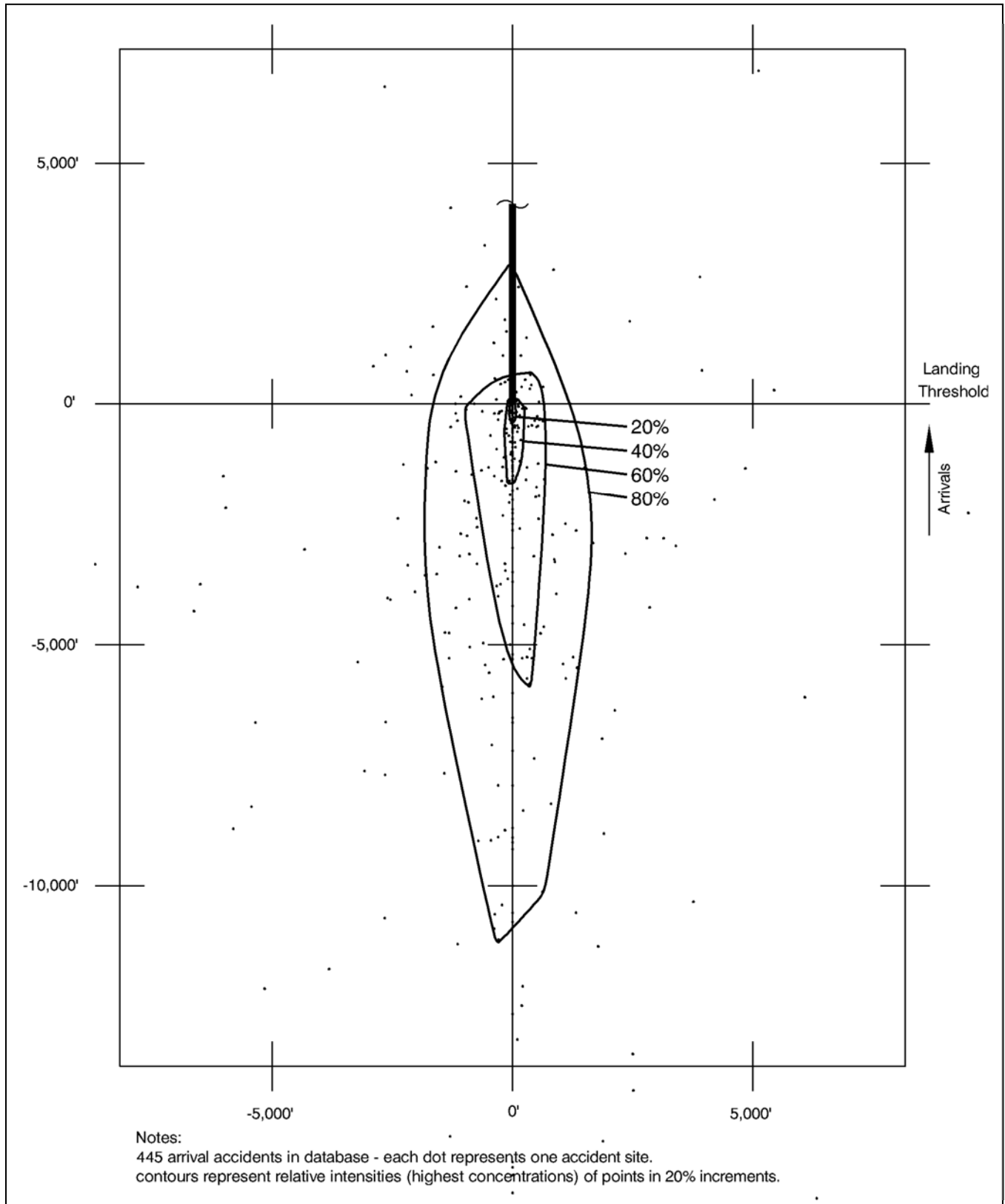


Figure C2
General Aviation Accident Distribution Contours
All Arrivals

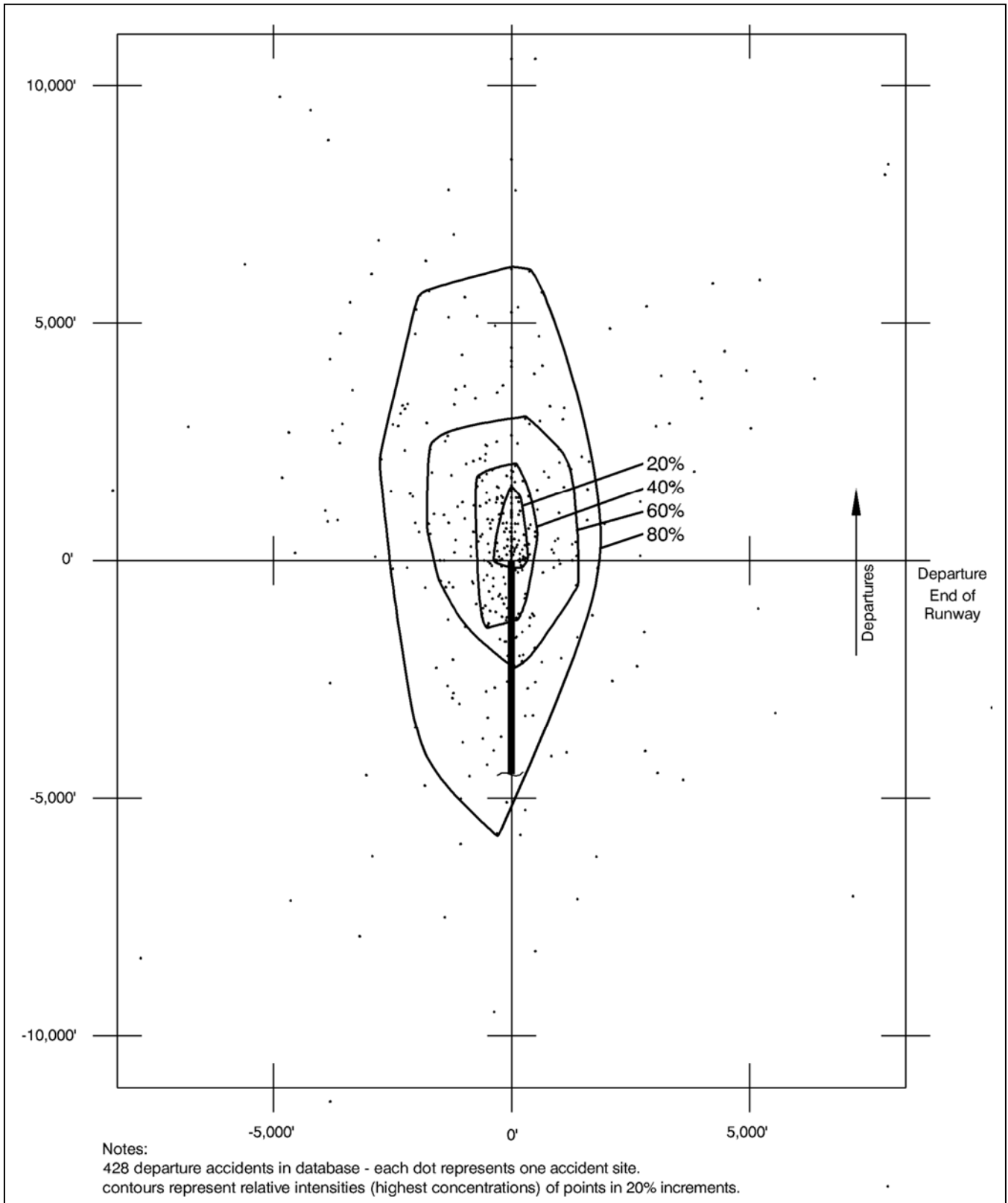


Figure C3
General Aviation Accident Distribution Contours
All Departures

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APPENDIX D

METHODS FOR DETERMINING CONCENTRATIONS OF PEOPLE

INTRODUCTION

The underlying safety compatibility criteria utilized in this *Compatibility Plan* is “usage intensity”—the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum intensity, it is considered incompatible and inconsistent with the compatibility planning policies. The usage intensity concept is identified in the *California Airport Land Use Planning Handbook* as the measure best suited for assessment of land use safety compatibility with airports. The *Handbook* is published by the California Division of Aeronautics and is required under state law to be used as a guide in preparation of airport land use compatibility plans.

It is recognized, though, that “people per acre” is not a common measure in other facets of land use planning. This *Compatibility Plan* therefore also utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on the local level. This appendix both provides guidance on how the usage intensity determination can be made and defines the relationships between this measure, FAR, and other measures found in land use planning. For a discussion of the rationale for use of people per acre as a measure of risk exposure, see Appendix C.

COUNTING PEOPLE

The most difficult part about calculating land use intensity is estimating the number of people expected to use a particular facility under normal circumstances. All people—not just employees, but also customers and visitors—who may be on the property at any single point in time, whether indoors or outdoors, must be counted. The only exceptions are for rare special events, such as an air show at an airport, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

Ideally, the actual number of people for which the facility is designed would be known. For example, the number of seats in a proposed movie theater can be determined with high accuracy once the theater size is decided. Other buildings, though, may be built as a shell and the eventual number of occupants not known until a specific tenant is found. Furthermore, even then, the number of occupants can change as future tenants change. Even greater uncertainty is involved with relatively open uses not having fixed seating—retail stores or sports parks, for example.

When a clear number of measurable occupancy does not exist, other sources must be relied upon to estimate the number of people in a proposed development.

Survey of Similar Uses

A survey of similar uses already in existence is one option, however gathering data can be time-consuming and costly. Also, unless the survey sample is sufficiently large enough and conducted at

various times, inconsistent numbers may result. Except for uncommon uses for which occupancy levels cannot be estimated through other means, surveys may not be appropriate.

Maximum Occupancy

A second option for estimating the number of people who will be on a site is to rely upon data indicating the maximum occupancy of a building measured in terms of occupancy load factors—the number of square feet per occupant. The number of people on the site, assuming limited outdoor or peripheral uses, can be calculated by dividing the total floor area of a proposed use by the occupancy load factor. The challenge of this methodology lies in establishing realistic figures for square feet per occupant. The number varies greatly from one use to another and, for some uses, occupancy load factors can change over time as well.

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table D1 indicates the occupancy load factors for various types of uses. The CBC is intended primarily for purposes of structural design, fire and safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building’s gross square footage. Surveys of actual occupancy load factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The following are selected examples of square footage per *employee* gathered from a variety of sources.

- ➔ Call centers 150 – 175
- ➔ Typical offices 180 – 250
- ➔ Law, finance, real estate offices 300 – 325
- ➔ Research & development, light industry 300 – 500
- ➔ Health services 500

The numbers above do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking space requirements can be correlated with occupancy numbers only where nearly all

users arrive by private vehicle rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

Both of the critical ratios associated with this methodology—parking spaces to building size and occupants to vehicles—vary from one jurisdiction to another even for the same types of uses. Research of local ordinances and other sources, though, indicates that the following ratios are typical.

➔ **Parking Space Ratios**—These examples of required parking space requirements are typical of those found in ordinances adopted by urban and suburban jurisdictions. The numbers are ratios of spaces required per 1,000 square feet of gross floor area. Gross floor area is normally measured to the outside surfaces of a building and includes all floor levels as well as stairways, elevators, storage, and mechanical rooms.

- Small Restaurants 10.0
- Medical Offices 4.0 – 5.7
- Shopping Centers 4.0 – 5.0
- Health Clubs 3.3 – 5.0
- Business Professional Offices 3.3 – 4.0
- Retail Stores 3.0 – 3.5
- Research & Development 2.5 – 4.0
- Manufacturing 2.0 – 2.5
- Furniture, Building Supply Stores 0.7 – 1.0

➔ **Vehicle Occupancy**—Data indicating the average number of people occupying each vehicle parking at a particular business or other land use can be found in various transportation surveys. The numbers vary both from one community or region to another and over time, thus current local data is best if available. The following data represent typical vehicle occupancy for different trip purposes.

- Work 1.05 – 1.2
- Education 1.2 – 2.0
- Medical 1.5 – 1.7
- Shopping 1.5 – 1.8
- Dining, Social, Recreational 1.7 – 2.3

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 2 of this *Compatibility Plan* are measured in terms of the average intensity over the entire project site.

The average intensity is calculated by dividing the total number of people on the site by the site size. A 10-acre site expected to be occupied by as many as 1,000 people at a time, thus would have an average intensity of 100 people per acre. The site size equals the total size of the parcel or parcels to be developed.

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *Compatibility Plan* to determine whether the proposal is consistent or inconsistent with the policies.

Comparison with Floor Area Ratio

As noted earlier, usage intensity or people per acre is not a common metric in land use planning. Floor area ratio or FAR—the gross square footage of the buildings on a site divided by the site size—is a more common measure in land use planning. Some counties and cities adopt explicit FAR limits in their zoning ordinance or other policies. Those that do not set FAR limits often have other requirements such as, a maximum number of floors a building can have, minimum setback distances from the property line, and minimum number of parking spaces. These requirements effectively limit the floor area ratio as well.

To facilitate local jurisdiction implementation, the Safety Compatibility Criteria table in Chapter 2 has been structured around FAR measures to determine usage intensity limits for many types of nonresidential land use development. To utilize FAR in this manner, a critical additional piece of information is necessary to overcome the major shortcoming of FAR as a safety compatibility measure. The problem with FAR is that it does not directly correlate with risks to people because different types of buildings with the same FAR can have vastly different numbers of people inside—a low-intensity warehouse versus a high-intensity restaurant, for example. For FAR to be applied as a factor in setting development limitations, assumptions must be made as to how much space each person (employees and others) in the building will occupy. The Safety Compatibility Criteria table therefore indicates the assumed occupancy load factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{\text{(allowable usage intensity)} \times \text{(occupancy load factor)}}{43,560}$$

Where *usage intensity* is measured in terms of people per acre and *occupancy load factor* as square feet per person.

Selection of the usage intensity, occupancy level, and FAR numbers that appear in the Safety Compatibility Criteria table was done in an iterative manner that considered each of the components both separately and together. Usage intensities were initially set with respect to guidelines provided in the *California Airport Land Use Planning Handbook* (see Appendix C of this *Compatibility Plan*). Occupancy levels were derived from the CBC, but were adjusted based upon additional research from both local and national sources in the manner discussed earlier in this appendix. The FAR limits were initially calculated from these other two numbers using the formula above.

Comparison with Parking Space Requirements

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the occupancy load factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each

vehicle is assumed to be occupied by 1.1 persons, the equivalent occupancy load factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry.

As an added note, the occupancy load factor of 215 square feet per person indicated in the Safety Compatibility Criteria table for office uses is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in the table is slightly more restrictive than would result from a higher occupancy load factor.

Table D1

Occupant Load Factors

California Building Code

<i>Use</i>	<i>Minimum Square Feet per Occupant</i>
1. Aircraft Hangars (no repair)	500
2. Auction Rooms	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Churches and Chapels	
Dance Floors	
Lobby Accessory to Assembly Occupancy	
Lodge Rooms	
Reviewing Stands	
Stadiums	
Waiting Areas	3
4. Assembly Areas, Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Stages	
Gaming	11
5. Bowling Alley (assume no occupant load for bowling lanes)	4
6. Children's Homes and Homes for the Aged	80
7. Classrooms	20
8. Congregate Residences	200
9. Courtrooms	40
10. Dormitories	50
11. Dwellings	300
12. Exercising Rooms	50
13. Garage, Parking	200
14. Health-Care Facilities	80
Sleeping Rooms	120
Treatment Rooms	240
15. Hotels and Apartments	200
16. Kitchen – Commercial	200
17. Library Reading Room	50
Stack Areas	100
18. Locker Rooms	50
19. Malls	Varies
20. Manufacturing Areas	200
21. Mechanical Equipment Room	300
22. Nurseries for Children (Daycare)	35
23. Offices	100
24. School Shops and Vocational Rooms	50
25. Skating Rinks	50 on the skating area; 15 on the deck
26. Storage and Stock Rooms	300
27. Stores – Retail Sales Rooms	
Basements and Ground Floors	30
Upper Floors	60
28. Swimming Pools	50 for the pool area; 15 on the deck
29. Warehouses	500
30. All Others	100

Source: California Building Code (2001), Table 10-A



APPENDIX E

SAMPLE IMPLEMENTATION DOCUMENTS

The City of Ontario is responsible for compatibility planning around ~~LA~~/Ontario International Airport and implementing the compatibility criteria set forth in the ~~LA~~/Ontario International Airport Land Use *Compatibility Plan*. Chapter 1 describes how general plans and specific plans can be modified to achieve consistency with compatibility plans. However, implementation of airport land use compatibility plans go beyond general plan consistency, other types of documents are also needed to assist with implementing *Compatibility Plan* policies. Samples of such implementation documents are included in this appendix.

General Plan Consistency Checklist

A *Compatibility Plan* is separate and distinct from a jurisdiction's other land use policy documents—general plans, specific plans, and zoning ordinances—yet all of the documents are expected to be made consistent with each other through incorporation of the compatibility policies into the general plans and zoning ordinances. To meet the consistency test, a general plan/policy document must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Table E1 provides counties and cities with modifications necessary to make their general plans and other local policies consistent with the compatibility plan.

Airport Combining Zone Ordinance

Chapter 1 of this *Compatibility Plan* describes one option for achieving consistency, the adoption of an airport overlay zone. An airport overlay zone is one way of collecting various airport-related development conditions into one local policy document. Adoption of an airport overlay zone is not required, but is suggested as an option. Table E2 describes some of the potential components of an airport overlay zone.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers within an airport influence area, particularly residential property, are informed about the airport's impact on the property. The ~~LA~~/Ontario International Airport Land Use *Compatibility Plan* policies include each of these measures.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not

authorized to accept avigation easements). Specific easement dedication requirements are set forth in Chapter 2. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Table E3.

- **Recorded Overflight Notification**— A recorded overflight notification informs property owners that the property is subject to aircraft overflight and generation of noise and other impacts. No restrictions on the heights of objects, requirements for marking or lighting of objects, or access to the property for these purposes are included. An overflight notification serves only as buyer acceptance of overflight conditions. Suggested wording of an overflight notification is included in Table E4. Unlike an avigation easement, overflight easement, or other type of easement, an overflight notification is not a conveyance of property rights. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with sale of the property to subsequent owners. Overflight notifications are generally appropriate in areas outside the 65 dB CNEL noise contour, outside Safety Zones, and within areas where the height of structures and other objects would not pose a significant potential of being airspace obstruction hazards.
- **Real Estate Disclosure**—Local jurisdictions can also establish a policy indicating that information about an airport’s influence area should be disclosed to prospective buyers for all properties within an airport-vicinity as part of a title transfer. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property’s location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

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.

Project Comment Worksheet Submittal Information

As described in Chapter 2, proposed major land use actions submitted through the ONT Inter-Agency Notification Process must include sufficient information to enable a comprehensive review of the proposed action. Table E5 provides a sample of the type of information needed for project submittals.

Table E1

General Plan Consistency Checklist

This checklist is intended to assist counties and cities with modifications necessary to make their general plans and other local policies consistent with the compatibility plan. It is also designed to facilitate compatibility reviews of these local plans and policies.

COMPATIBILITY CRITERIA

General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the compatibility plan.

- **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the land use compatibility criteria.
 - Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels (see below) may need to be taken into account.
 - Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
 - No new land uses of a type listed as specifically prohibited should be shown within affected areas.

- **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent compatibility plan criteria.

- **Hazard Element**—Incorporate airspace protection policies. These should be based upon Part 77 of the Federal Aviation Regulations, but may include exceptions for objects within the high terrain zone.

Table E2

Sample Airport Overlay Zone Components

An airport overlay zone might include some or all of the following components:

- **Airspace Protection**—An airport overlay district should include airspace protection policies that establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of the Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- **FAA Notification Requirements**—An airport overlay zone can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations requires that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- **State Regulation of Obstructions**—State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by FAR Part 77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).
- **Designation of High Noise-Impact Areas**—California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. An airport overlay district can be used to indicate the locations where special construction techniques may be necessary in order to ensure compliance with this requirement. This requirement also includes single-family dwellings.
- **Maximum Densities/Intensities**—Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in an airport overlay zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- **Real Estate Disclosure Policies**—The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport overlay zone.

Source: *California Airport Land Use Planning Handbook* (January 2002)

Table E3

Typical Avigation Easement

AVIGATION EASEMENT

This indenture made this ____ day of _____, 20__, between _____ hereinafter referred to as Grantor, and the ~~City of Los Angeles, Los Angeles World Airports (LAWA)~~OIAA, a political subdivision in the State of California, that owns and operates LA/Ontario International Airport in the City of Ontario, State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the LA/Ontario International Airport official runway end elevation of 944 feet Above Mean Sea Level (AMSL), as determined by the LA/Ontario International Airport Layout Plan, the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the ~~Los Angeles World Airports (LAWA)OIAA~~, for the direct benefit of the real property constituting the LA/Ontario International Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the LA/Ontario International Airport, in the City of Ontario, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the LA/Ontario International Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said ~~Los Angeles World Airports (LAWA)OIAA~~ is the dominant tenement.

DATED:

STATE OF } _____

 } _____

 s

COUNTY OF } _____

On _____, before me, the undersigned, a Notary Public in and for said County and State personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Notary Public

Source: California Airport Land Use Planning Handbook (January 2002)

Table E3, continued

Sample Overflight Notification

OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the City of _____, State of California, described as _____ [APN No.: ____].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of the Alternative Process for the City of Ontario and other participating local jurisdictions for overflight notification provided in the ~~LA~~/Ontario International Airport Land Use Compatibility Plan.

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

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at ~~LA~~/Ontario International Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of military aircraft.

Airport maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall run with the Property and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date: _____, 20__

Table E5

Sample Project Submittal Information

- Property location data (assessor's parcel number, street address, subdivision lot number).
- An accurately scaled map depicting the project site location in relationship to the ~~LA~~/Ontario International Airport boundary and runways.
- A description of the proposed use(s), current general plan and zoning designations, and the type of land use action being sought from the local agency (e.g., zoning variance, special use permit, building permit).
- If applicable, a detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces, and water bodies; ground elevations (above mean sea level) and elevations of tops of structures and trees. Additionally:
 - For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units).
 - For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the number of people potentially occupying the total site or portions thereof at any one time.
- Identification of any features, during or following construction that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the airport or in its environs. Such features include, but are not limited to the following:
 - Open water areas.
 - Sediment ponds, retention basins.
 - Detention basins that hold water for more than 48 hours.
 - Artificial wetlands.
- Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
- Any staff reports regarding the project that may have been presented to local agency decision makers.
- Other relevant information that is determined to be necessary by the affected agency to enable a comprehensive review of the proposed action.



APPENDIX F

Exhibit F1

Alternative Process Resolution No. 95-34

RESOLUTION NO. 95-34

**A RESOLUTION OF THE CITY OF ONTARIO, CALIFORNIA,
ESTABLISHING ALTERNATIVE PROCEDURES FOR LAND USE
PLANNING WITHIN THE SPHERE OF INFLUENCE OF THE ONTARIO
INTERNATIONAL AIRPORT IN LIEU OF REINSTATING THE WEST
VALLEY AIRPORT LAND USE COMMISSION**

WHEREAS, Public Utilities Code Section 21670 et. seq. provides for the establishment of an Airport Land Use Commission (ALUC) in every county in which there is a public use airport served by a scheduled airline; and

WHEREAS, prior to passage of Senate Bill No. 443 (effective June 30, 1993), Public Utilities Code Section 21670 (b) required each county to establish an ALUC in such circumstances; and

WHEREAS, Senate Bill No. 443 amended Public Utilities Code Section 21670 (b) by eliminating the mandate for ALUC's in order to relieve counties and other public agencies supporting ALUC's of the duty to incur unnecessary expenses in certain aspects of airport land use planning; and

WHEREAS, the Ontario City Council adopted Resolution 93-120 in November of 1993 withdrawing from the West Valley ALUC; and

WHEREAS, the West Valley ALUC was disbanded in response to Senate Bill No. 443 after all affected public agencies, including the City of Ontario, withdrew from the Joint Powers Agreement, which had established individual ALUC's for the East, West, and Mountain/Desert planning areas of the County of San Bernardino; and

WHEREAS, the State of California no longer reimburses the County of San Bernardino for administration of the ALUC program; and

WHEREAS, Assembly Bill No. 2831 (effective January 1, 1995), amended Public Utilities Code Section 21670 (b) by reinstating the requirement that local agencies, such as the County of San Bernardino, establish an ALUC; and

WHEREAS, Assembly Bill No. 2831 also provided the option of establishing an alternative procedure to the establishment of an ALUC which allows local jurisdictions to make land use decisions for areas within a public use airport sphere of influence as designated by the Comprehensive Airport Land Use Plan; and

WHEREAS, establishment of the alternative procedure set forth in Public Utilities Code Section 21670.1 rather than reinstating the West Valley ALUC will eliminate redundant reviews and streamline processes; and

Exhibit F1, Continued

WHEREAS, the City of Ontario is in compliance with all applicable airport land use planning regulations and requirements, with the exception of the recently enacted changes to the Public Utilities Code requiring reinstatement of an ALUC or establishment of an alternative procedure for making land use planning decisions within the sphere of influence of the Ontario International Airport; and

WHEREAS, verification of this compliance is set forth in the Certificate of Consistency issued by the West Valley ALUC prior to its dissolution; and

WHEREAS, the West Valley ALUC adopted the Airport Environs Element of the Ontario General Plan as the Comprehensive Airport Land Use Plan for the Ontario International Airport; and

WHEREAS, the City of Ontario is obligated under the new provisions of the Public Utilities Code to establish alternative procedures for the review and processing of amendments to the adopted Comprehensive Airport Land Use Plan for the sphere of influence of the Ontario International Airport or defer local land use authority to an ALUC.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the alternative procedures set forth in Subdivision (c) of Public Utilities Code Section 21670.1 for review and processing of amendments to the adopted Comprehensive Airport Land Use Plan for the sphere of influence of the Ontario International Airport, and for voluntary mediation of disputes. It is further resolved that:

1. Proper land use planning will be accomplished for areas within the sphere of influence of the Ontario International Airport pursuant to Article 3.5 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code in accordance with Subdivision (c) of Section 21670.1; and
2. Proper land use planning will be accomplished for areas within the sphere of influence of the Ontario International Airport by using as guidelines the Airport Land Use Planning Handbook published by Division of Aeronautics of the State Department of Transportation and any other applicable federal aviation regulations; and
3. Proper land use planning will be accomplished for areas within the sphere of influence of the Ontario International Airport through adherence to the Airport Environs Element of the Ontario General Plan; and
4. Any amendments of the Airport Environs Element of the Ontario General Plan, including amendment of the Airport Environs Land Use Plan, will be processed in accordance with the State Planning, Zoning, and Development Laws and any other applicable laws, ordinances, and/or resolutions regulating airport land use planning; and
5. The City's planning efforts for areas within the sphere of influence of the Ontario International Airport, including amendment of the Comprehensive Airport Land Use Plan, will involve notification of the general public, landowners, interested groups, and other public agencies; and

Exhibit F1, Continued

6. The Airport Mediation Board would serve as the mediator of disputes arising from the amendment of the adopted Comprehensive Airport Land Use Plan; and

7. No mediation will be required because no other City has standing to pursue mediation; and

8. The entire area of the 65 CNEL contour for the Ontario International Airport lies within the City of Ontario; and

9. The City's General Plan and Specific Plans are consistent with the adopted Comprehensive Airport Land Use Plan; and

10. The Planning Department shall be responsible for preparing and processing amendments to the adopted Comprehensive Airport Land Use Plan where necessary; and

11. The City Council will be responsible for approving these amendments; and

12. The adoption of the foregoing alternative procedures are exempt from the provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

I hereby certify that the above-resolution was duly passed and approved by the City Council of the City of Ontario at a regular meeting thereof held on the 2nd day of May, 1995.



L. J. ...
City Clerk of the City of Ontario

Exhibit F2**Alternative Process Language Approval Letter from California Division of Aeronautics**

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS – M.S.#40
 1120 N STREET
 P. O. BOX 942874
 SACRAMENTO, CA 94274-0001
 PHONE (916) 654-4959
 FAX (916) 653-9531
 TTY 711



*Flex your power!
 Be energy efficient!*

March 18, 2011

Mr. Jerry L. Blum
 Planning Director
 Ontario Planning Department
 303 East B Street
 Ontario, CA 91764

Dear Mr. Blum:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), received a letter from your office dated February 15, 2011, regarding the amendment of the alternative process for LA/Ontario International Airport. Your letter mentions the background with respect to the approval of the San Bernardino County Alternative process by the Division in 1995. Since that time, the impacts from Ontario International Airport have grown to affect neighboring jurisdictions. The amended alternative process outlined in Chapter 2, Sections 2-4 of the February 2011 Public Draft LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) have been reviewed and are consistent with the processes outlined in Public Utilities Code Section 21670.1. The Division will give our final approval of the amended alternative process once we can determine the affected jurisdictions will within a reasonable amount of time prepare, adopt, and implement the policies and procedures outlined in the ALUCP.

Thank you and if you should have any questions, please contact me at (916) 654-7075 or by email at ron.bolyard@dot.ca.gov.

Sincerely,

RON BOLYARD, Aviation Planner
 Office of Aviation Planning

Exhibit F – 3**Alternative Process Final Approval Letter from California Division of Aeronautics**

(Pending)



APPENDIX G

GLOSSARY OF TERMS

Above Ground Level (AGL): An elevation datum given in feet above ground level.

Accident Potential Zones (APZs): A set of safety-related zones defined by AICUZ studies for areas beyond the ends of military airport runways. Typically, three types of zones are established: a clear zone closest to the runway end, then APZ I and APZ II. The potential for aircraft accidents and the corresponding need for land use restrictions is greatest with the clear zone and diminishes with increased distance from the runway.

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Air Installation Compatible Use Zones (AICUZ): A land use compatible plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local governments bodies having jurisdiction over land uses surrounding these facilities.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal or serious injuries nor substantial damage to the aircraft occur.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

Airport: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities if any. (FAR 1)

Airport Elevation: The highest point of an airport's useable runways, measured in feet above mean sea level. (AIM)

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operation and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, The California Department of Transportation, Division of Aeronautics classifies airports into the following categories: (CCR)

- *Agricultural Airport or Heliport:* An airport restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 operators).
- *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near an medical facility and
 - (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
 - (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
 - (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
 - (4) is used only for emergency medical purposes.
- *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock or breakwater, used in the support of petroleum exploration or production.
- *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.
- *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.

→ *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and

- (1) is used or intended to be used for less than one year, except for recurrent annual events and
- (2) is not marked or lighted to be distinguishable as a heliport and
- (3) is not used exclusively for helicopter operations.

Ambient Noise Level: The level of noise that is all encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement that both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

Approach Speed: The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

Avigation Easement: A type of easement that typically conveys the following rights:

- A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines, that may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

Circling Approach/Circle-to-Land Maneuver: A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

Clear Zone: The military airport equivalent of runway protection zones at civilian airports.

Combining District: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

Commercial Activities: Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

FAR Part 77: The part of the Federal Aviation Regulations that deals with objects affecting navigable airspace.

FAR Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

Federal Aviation Administration (FAA): The U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions that expose a government agency's mode of analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

Fixed Base Operator (FBO): A business that operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

General Aviation: That portion of civil aviation that encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A navigational system that utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

Helipad: A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

Heliport: A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

Infill: Development that takes place on vacant property largely surrounded by existing development, especially development that is similar in character.

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or

to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system that normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

Instrument Operation: An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

Instrument Runway: A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS that provides course guidance to the runway. (AIM)

Mean Sea Level (MSL): An elevation datum given in feet from mean sea level.

Minimum Descent Altitude (MDA): The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

Missed Approach: A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction (NLR): A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Nonconforming Use: An existing land use that does not conform to subsequently adopted or amended zoning or other land use development standards.

Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

Nonprecision Instrument Runway: A runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure. (Airport Design AC)

Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Easement: An easement that describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Planning Area Boundary: An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: Federal Aviation Regulations Part 1, Definitions and Abbreviations

AIM: Aeronautical Information Manual

Airport Design AC: Federal Aviation Administration, *Airport Design* Advisory Circular 150/5300-13

CCR: California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

FAA ATA: Federal Aviation Administration, *Air Traffic Activity*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation*

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board

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APPENDIX H

California Environmental Quality Act Environmental Checklist Forms

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



Project Name: LA/Ontario International Airport Land Use Compatibility Plan ("ALUCP or Compatibility Plan")

Project Sponsor: City of Ontario – Planning Department, 303 East "B" Street, Ontario, California, 91764

Contact Person: Lorena Mejia, Associate Planner, (909) 395-2276

Project Location: LA/Ontario International Airport (ONT) is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County as illustrated on **Figure H1**. ONT is classified as a primary commercial service airport, owned by the City of Los Angeles and operated by Los Angeles World Airports (LAWA).

The geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect land uses or necessitate restrictions on those uses. The AIA includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont and unincorporated portions of San Bernardino, Riverside and Los Angeles Counties as illustrated in **Figure H2**.

Project Description: The function of the ALUCP is to promote compatibility between ONT and surrounding land uses as provided in the State Aeronautics Act (Public Utilities Code, section 21670 *et seq.*). The proposed ALUCP provides specific limitations and conditions for developing future residential, commercial and other noise and risk sensitive uses surrounding ONT. The proposed ALUCP consists of several components including: airport and land use information, compatibility policies and criteria, compatibility zone maps and procedural policies. The proposed ALUCP for ONT would supplement the Airport Environs section of The Ontario Plan (Ontario's General Plan), which currently serves as ONT's airport land use plan, by providing land use compatibility policies and criteria for ONT and surrounding areas. The preparation of the proposed ALUCP was guided by the California Department of Transportations' California Airport Land Use Planning Handbook (January 2002).

It is important to note that the ALUCP only governs future land uses within the AIA; it does not regulate existing uses. Further, the ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor has any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). LAWA began the master planning process for ONT, but suspended that effort in 2008. Before its planning process was suspended, LAWA developed a tentative proposal for reconfiguration of the runway system that would

accommodate potential future passenger and air cargo volume in 2030. The State Aeronautics Act requires that the ALUCP “be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation that reflects the anticipated growth of the airport during at least the next 20 years.” (Pub. Utilities Code, § 21675(a).) Therefore, while the ALUCP includes an airport layout plan that shifts ONT’s runways to the east and south for airport land use planning purposes, the City has no approval authority over that layout, nor does inclusion of that layout in the ALUCP facilitate expansion of ONT’s operations. Any such expansion would have to be approved by LAWA as part of an Airport Master Plan.

General Plan Designation: General Plan Designations vary within ONT’s AIA.

Zoning: Zoning varies within ONT’s AIA.

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): The Airport Land Use Compatibility Plan requires approval from the California Division of Aeronautics and participation agreements from the affected jurisdictions within the County of San Bernardino.

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

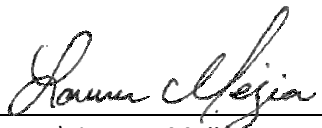
- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/>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

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: January 26, 2011
Name (*print or type*): Lorena Mejia Title: Associate Planner

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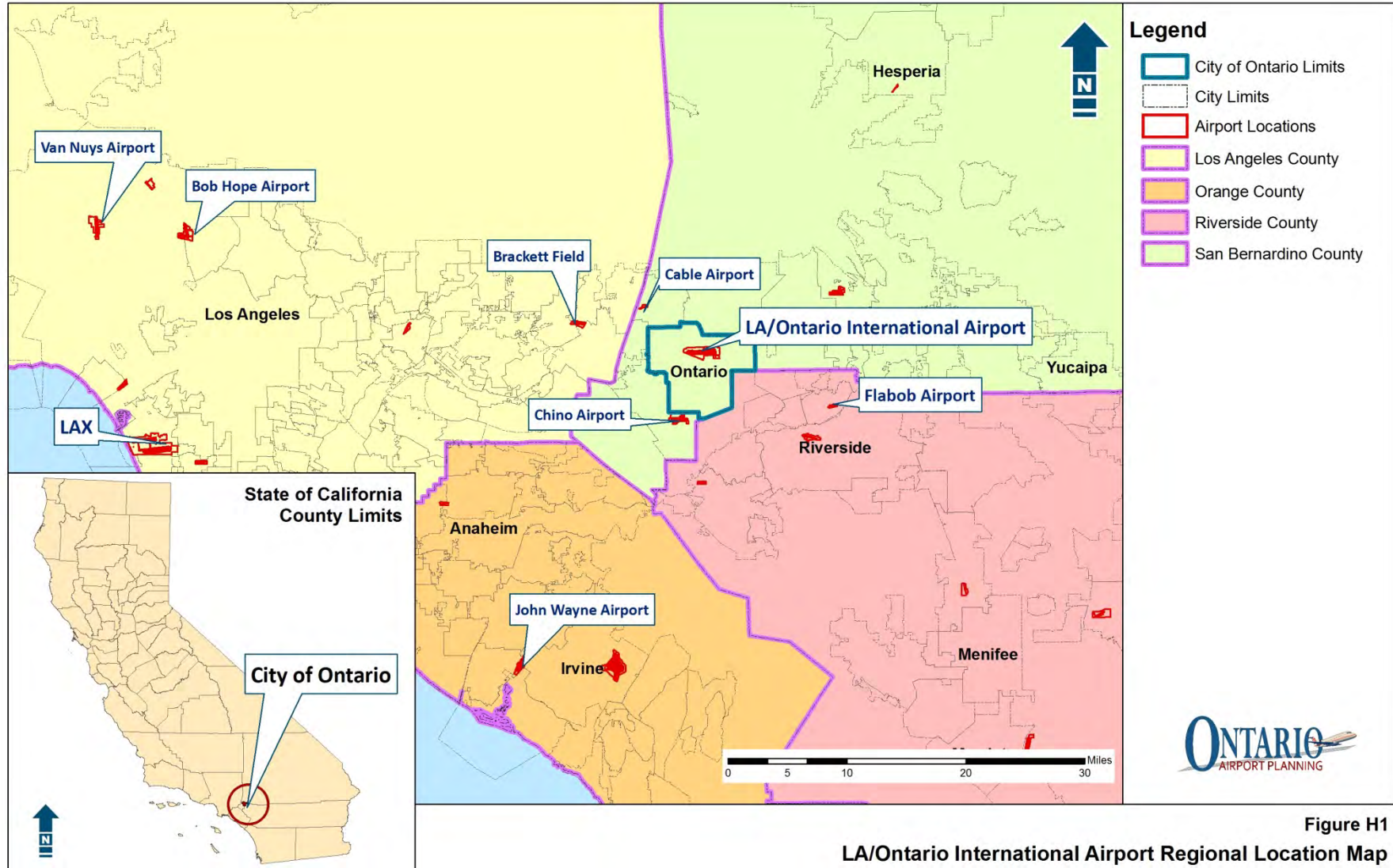
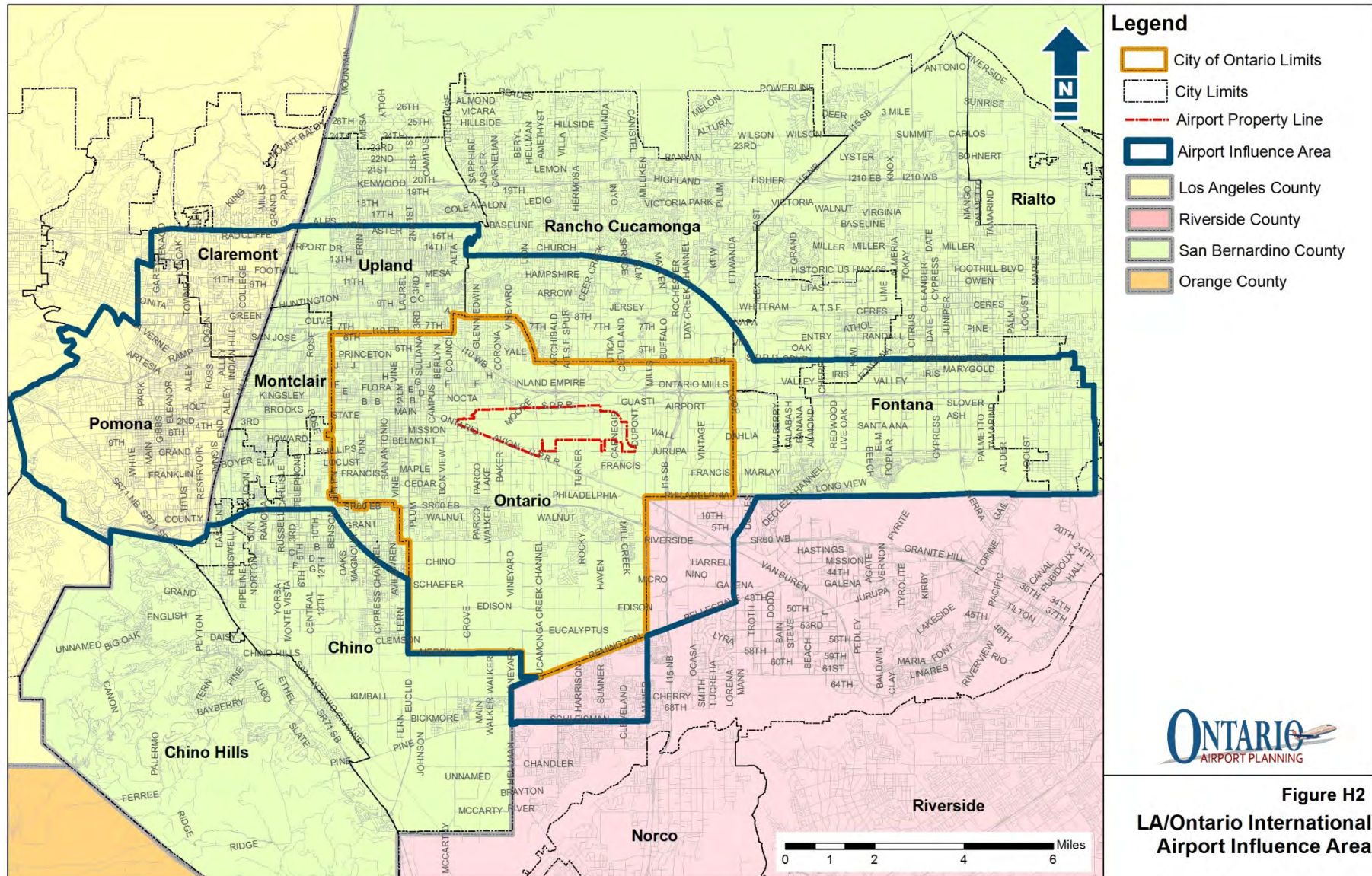


Figure H1
LA/Ontario International Airport Regional Location Map



EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Have a substantial adverse effect on a scenic vista?				X
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
(c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (d): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not directly or indirectly affect a scenic vista, damage scenic resources, degrade the existing visual character or quality of the site or its surroundings, or create a new source of light or glare, and, as such, would not directly impact the environment or result in any direct impacts to aesthetics. Also, the proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impact.

MITIGATION

None Required.

2. AGRICULTURAL & FOREST RESOURCES

(In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.)

Would the proposed project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
(d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (e): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not: (a) directly or indirectly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively, "Farmland") to a non-agricultural use; or (b) conflict with existing zoning for agricultural use, or a Williamson Act contract; or (c) conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); (d) result in the loss of forest land or conversion of forest land to non-forest use, since there is no forest land within the Airport Influence Area (AIA); (e) involve other changes in the existing environment that, due to their location or nature, could result in the conversion of Farmland to a non-agricultural

use. The proposed ALUCP would not encourage levels of development in any area located within the AIA above those projected within the affected agencies general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. In addition, the *General Plan Land Use Designation Consistency Analysis* (Appendix I) evaluated potential general plan inconsistencies with the proposed ALUCP and did not identify any agricultural or forest general plan land use designations within the AIA. Therefore, there would be no impact.

MITIGATION

None Required.

3. AIR QUALITY

(Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.)

Would the proposed project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with or obstruct implementation of the applicable air quality plan?				X
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
(d) Expose sensitive receptors to substantial pollutant concentrations?				X
(e) Create objectionable odors affecting a substantial number of people?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (e): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA).

Although the City of Ontario, the City of Fontana and the County of San Bernardino will have to adjust their General Plan policies to account for the additional development restrictions contained in the ALUCP, those adjustments will not authorize development beyond what was assumed in the development of the South Coast Air Quality Management Plan. Therefore, the ALUCP would not directly or indirectly conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standards; expose sensitive receptors to substantial pollutant concentrations; or create objectionable odors affecting a substantial number of people; and, as such, would not impact the environment or result in any impacts to air quality. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of

which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

4. BIOLOGICAL RESOURCES

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (f): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Therefore, the ALUCP would not directly or indirectly impact biological resources or their habitat, or conflict with applicable policies protecting biological resources or an adopted or approved habitat conservation plan, and, as such, would not directly impact the environment or result in any direct impacts to biological resources. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of which the environmental effects were already adequately

analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

5. CULTURAL RESOURCES

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
(d) Disturb any human remains, including those interred outside of formal cemeteries?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (d): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not directly or indirectly cause a substantial adverse change in the significance of a historical resource or an archaeological resource; directly destroy a unique paleontological resource or site or unique geologic feature; or disturb any human remains, including those interred outside of formal cemeteries, and, as such, would not directly impact the environment or result in any direct impacts to cultural resources. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

6. GEOLOGY AND SOILS

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				X
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
(ii) Strong seismic ground shaking?				X
(iii) Seismic-related ground failure, including liquefaction?				X
(iv) Landslides?				X
(b) Result in substantial soil erosion or the loss of topsoil?				X
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (e): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, potentially resulting in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; be located on expansive soil; or have soils incapable of adequately supporting the use of septic tanks; and, as such, would not directly impact the environment or result in any direct impacts to geology and soils. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of which the environmental effects

were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

7. GREENHOUSE GAS EMISSIONS

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?				X

DISCUSSION OF EFFECTS

Thresholds (a) & (b): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction's general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, the proposed ALUCP will not cause any increase in greenhouse gas emissions, and there would be no impacts.

MITIGATION

None Required.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the proposed project	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
(h) Expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

DISCUSSION OF EFFECTS

Thresholds (a) – (d) & (f) – (h): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Also, the proposed ALUCP does not involve the transport, use, or disposal of hazardous materials; the emission or handling of hazardous or acutely hazardous materials, substances, or waste; or the location of a building, structure, or public facility on a hazardous materials site compiled by the State of California pursuant to Government Code section 65962.5. The proposed ALUCP would not affect the incidence of hazardous material safety hazards in the area;

result in hazardous emissions within one-quarter mile of an existing or proposed school; affect any sites included on a list of hazardous materials sites; create a significant hazard to the public or the environment; or affect emergency response plans or the incidence of wildland fires in the area. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies' general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

Threshold (e): Pursuant to the State Aeronautics Act, the proposed ALUCP establishes criteria and Safety Zones by which safety hazards relating to aircraft activity would be evaluated. The criteria are intended to reduce the risk of exposure to the hazards of an off-airport aircraft accident by limiting residential densities and concentrations of people within the Safety Zones. The Safety Zones are completely contained within the City of Ontario and land uses were designated in the Ontario Plan to be consistent with airport operations. The proposed ALUCP further reduces risks of aircraft accident occurrence by setting policies that, consistent with existing federal regulations, limit the height of structures, trees, and other objects that might penetrate the airport's airspace as defined by Part 77 of the Federal Aviation Regulations, TERPS and FAA criteria. The extent of the areas where regulations apply are illustrated in Appendix I.

The proposed ALUCP would also decrease airport-related safety hazards by limiting incompatible development within the Safety Zones. The proposed ALUCP would result in a beneficial impact by reducing the number of people exposed to airport-related safety hazards, including aircraft accidents, consistent with the objectives of the State Aeronautics Act. Due to the reasons stated above, the proposed ALUCP would not directly or indirectly impact the environment or result in any direct or indirect impacts relating to hazards and hazardous materials, but could limit development in areas of concern. Therefore, any potential impact would be less than significant.

MITIGATION

None Required.

9. HYDROLOGY AND WATER QUALITY

Would the proposed project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Violate any water quality standards or waste discharge requirements?				X
(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
(f) Otherwise substantially degrade water quality?				X
(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
(j) Expose people or structures to inundation by seiche, tsunami, or mudflow?				X

DISCUSSION OF EFFECTS

Thresholds (a) - (j): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction's general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not violate any water quality standards; affect

groundwater supplies; substantially alter drainage patterns; or expose people or structures to a significant risk involving flooding, seiche, tsunami or mudflow; and, as such, would not directly impact the environment or result in any direct impacts to hydrology and water quality. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies' general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

10. LAND USE PLANNING

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Physically divide an established community?				X
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

DISCUSSION OF EFFECTS

Thresholds (a) & (c): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. ONT has operated as an airport since the 1920s, and the City has long planned for appropriate land uses surrounding ONT. Therefore, the proposed ALUCP would not physically divide an established community or conflict with any applicable habitat conservation plan or natural community conservation plan, and would not directly or indirectly impact the environment or result in any direct or indirect impacts to land use and planning. Also, the proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies’ general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

Threshold (b): The proposed ALUCP may require that affected agencies alter their general plans and zoning to reflect the noise and safety restrictions set forth in its policies.

The proposed ALUCP is a mitigating document that establishes land use measures designed to minimize the public’s exposure to excessive noise and safety hazards around the ONT. Appendix I evaluates potential inconsistencies between the proposed ALUCP and the general plan land use designations of affected agencies and did not identify any general plan land use inconsistencies. Moreover, state law (Gov. Code §65302.3) requires that applicable general plans be revised if necessary to be consistent with an adopted ALUCP.

It is important to note that the ALUCP is intended, pursuant to Public Utilities Code section 21670 et seq., to protect public health, safety, and welfare, through the adoption of land use measures that

minimize the public's exposure to excessive noise and safety hazards; and is guided by the California Airport Land Use Planning Handbook. As required by state law, the proposed ALUCP for ONT sets policies and criteria consistent with the State Aeronautics Act and within the parameters identified in the California Airport Land Use Planning Handbook. Therefore, any potential impacts would be less than significant.

MITIGATION

None Required.

11. MINERAL RESOURCES

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
(b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

DISCUSSION OF EFFECTS

The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction's general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Further, no mineral resources are located within the noise and safety zones potentially affected by the ALUCP. Therefore, the proposed ALUCP would not cause the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or result in the loss of availability of a locally-important mineral resource recovery site. As such, the proposed ALUCP would not directly or indirectly impact the environment or result in any direct or indirect impacts to mineral resources. The proposed ALUCP would not encourage levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies' general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

12. NOISE

Would the proposed project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

DISCUSSION OF EFFECTS

Thresholds (b) - (d) & (f): The proposed ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction's general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Pursuant to the State Aeronautics Act, the proposed ALUCP establishes the criteria by which the public's exposure to airport-related noise would be evaluated and reduced by limiting the development of noise sensitive land uses within the 65 + dB CNEL. Therefore, the proposed ALUCP would not result in the exposure of people to increased noise or vibration levels, and, as such, would not impact their respective environment or result in any impacts related to noise.

Thresholds (a) & (e): The proposed ALUCP is a mitigating document that addresses land use measures to minimize the public's exposure to excessive noise and safety hazards around the ONT. Appendix I evaluated potential inconsistencies between the proposed ALUCP and the general plan land use designations of affected agencies and did not identify any general plan land use inconsistencies. Moreover, state law (Gov. Code §65302.3) requires that applicable general plans be revised as necessary to be consistent with an adopted ALUCP.

It is important to note that the ALUCP is intended, pursuant to Public Utilities Code section 21670 et seq., to protect public health, safety, and welfare, through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards; and is guided by the California Airport Land Use Planning Handbook. As required by state law, the proposed ALUCP for ONT sets policies and criteria consistent with the State Aeronautics Act and within the parameters identified in the California Airport Land Use Planning Handbook. Therefore, any potential impacts would be less than significant.

MITIGATION

None Required.

13. POPULATION AND HOUSING

Would the proposed project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?				X
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

DISCUSSION OF EFFECTS

Thresholds (a) - (c): The proposed ALUCP would not directly or indirectly induce population growth; rather, it would limit the location and distribution of residential and non-residential land uses within the Noise and Safety Zones to minimize potential noise impacts and safety concerns.

The Noise Impact Zones limits new residential development within 65 db CNEL and prohibits new residential land uses within the 70 dB CNEL noise contour. To evaluate the potential population and housing displacement the *General Plan Land Use Designation Consistency Analysis* (Appendix I) identified and evaluated potential land use inconsistencies within the Noise Impact Zones. The Noise Analysis identified one jurisdiction, the City of Ontario, to have a Low Density Residential general plan land use designation within the 65 dB CNEL. However, because the areas identified are already developed, the restriction on additional new development would not result in displacement of potential housing units since the proposed ALUCP does not apply to existing development and only addresses future development.

The Safety Zones identified within the proposed ALUCP are contained within the City of Ontario and Safety Analysis portion of Appendix I identified Low Density Residential general plan land use designations within the safety zones. However, because the areas identified are already developed, the restriction on additional new development within that zone would not result in displacement of potential housing units, since the proposed ALUCP does not apply to existing development and only addresses future development. Therefore, there is no impact since the proposed ALUCP would not result in any direct impacts to population and housing; create the displacement of existing residential dwelling units, commercial, industrial or public use structures thereby necessitating the construction of replacement housing, facilities, or infrastructure in other areas.

14. PUBLIC SERVICES

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
(i) Fire protection?				X
(ii) Police protection?				X
(iii) Schools?				X
(iv) Parks?				X
(v) Other public facilities?				X

DISCUSSION OF EFFECTS

Thresholds (a): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Therefore, the proposed ALUCP would not create a need for any new or physically altered governmental facilities. As such, the proposed ALUCP would not result in any direct or indirect impacts related to public services. The proposed ALUCP would not increase levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

15. RECREATION

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?				X

DISCUSSION OF EFFECTS

Thresholds (a) & (b): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not increase the use of existing neighborhood and regional parks or other recreational facilities and does not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, and, as such, would not result in any direct or indirect impacts to recreation. The proposed ALUCP would not increase levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

16. TRANSPORTATION/TRAFFIC

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
(b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
(e) Result in inadequate emergency access?				X
(f) Result in inadequate parking capacity?				X
(g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

DISCUSSION OF EFFECTS

Thresholds (a) - (g): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Therefore, the proposed ALUCP would not: (a) conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit; (b) conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; (c) result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; (d) increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm

equipment); (e) result in inadequate emergency access; (f) result in inadequate parking capacity or; (g) conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. As such, the proposed ALUCP would not result in any direct or indirect impacts related to transportation or traffic. The proposed ALUCP would not increase levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies' general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

17. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).				X
(e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
(f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
(g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

DISCUSSION OF EFFECTS

Thresholds (a) - (g): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction’s general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Therefore, the proposed ALUCP would not result in the construction of new wastewater or stormwater facilities, and would not require additional water supplies, or wastewater or landfill capacity, and, as such, would not result in any direct or indirect impacts to utilities and service systems. The proposed ALUCP would not increase levels of development in any area located within the Airport Influence Area (AIA) above those projected within the affected agencies general plans, of which the environmental effects were already adequately analyzed in their respective certified general plan environmental documentation. Therefore, there would be no impacts.

MITIGATION

None Required.

18. MANDATORY FINDINGS OF SIGNIFICANCE

Would the proposed project:	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
(b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?			X	
(c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)			X	
(d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X	

DISCUSSION OF EFFECTS

Thresholds (a): The proposed ALUCP does not propose or involve any new development, construction, or physical changes to existing land uses or the environment, nor would it authorize new forms of development that are not otherwise permitted by the relevant jurisdiction's general plan. Rather, it overlays further limitations on top of planned land use designations found in existing general plans. Additionally, the proposed ALUCP does not propose any physical or operational changes to LA/Ontario International Airport (ONT) nor does the City have any authority over operations; all authority over ONT rests with Los Angeles World Airports (LAWA) and Federal Aviation Administration (FAA). Therefore, the proposed ALUCP does not have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable; or have environmental effects which will cause substantial adverse effects on human beings. The proposed ALUCP would not increase levels of development in any area located within the AIA above those projected for these areas in the local

agencies respective general plans, of which the environmental effects were already adequately analyzed in the certified general plan environmental documentation.

Nothing in the proposed ALUCP would result in indirect impacts such as the construction of housing, development of other types of land uses, or the expansion of any infrastructure, that would require an analysis of potentially significant impacts to wildlife, their habitats, important examples of California history, or human beings. In addition, the proposed ALUCP would not result in the displacement of existing residential dwelling units, commercial, industrial, or public use structures thereby necessitating the construction of replacement housing, facilities, or infrastructure in other areas, which may result in potentially significant impacts to wildlife, their habitats, important examples of California history, or human beings. Therefore, there would be no impacts.

Thresholds (b) - (d): The proposed ALUCP regulates future incompatible land uses specific to noise, airspace protection, safety and overflight impacts around ONT. Moreover, because the proposed ALUCP is regulatory in nature and will not result in any new development, construction, or physical changes to existing land uses or the environment, it has no potential to create cumulatively significant environmental impacts. Indeed, the proposed ALUCP serves as a mitigation plan designed to avoid certain noise and safety impacts that might otherwise be cumulatively significant. Therefore, any potential impact would be less than significant.

MITIGATION

None Required.

REFERENCE MATERIALS

The following reference materials are hereby incorporated by reference and made a part of this Initial Study pursuant to State CEQA Guidelines section 15150:

1. State of California Department of Transportation Division of Aeronautics, California Airport Land Use Planning Handbook, (Last updated January 2002)
2. Proposed Airport Land Use Compatibility Plan for LA/Ontario International Airport
3. California State Aeronautics Act, Pub. Util. Code, §§ 21001 et seq.
4. Ontario General Plan Final EIR/Master Environmental Assessment
5. City of Ontario General Plan (The Ontario Plan) adopted January 2010
6. General Plan of the following cities: Fontana, Montclair, Upland, Rancho Cucamonga and Chino.
7. The General Plan of the Counties of Riverside and San Bernardino.

All documents listed above are on file, and are available for public review, with the City of Ontario Planning Department, 200 N. Cherry Avenue, Ontario, California 91764, (909) 395-2036.



APPENDIX I

APPENDIX I

GENERAL PLAN LAND USE DESIGNATION CONSISTENCY ANALYSIS

The General Plan Land Use Designation Consistency Analysis (GP Consistency Analysis) evaluates the potential for conflict with existing general plan land use designations that may result from implementing the proposed compatibility policies and criteria of the LA/ONT Airport Land Use Compatibility Plan (Compatibility Plan) within the Airport Influence Area (AIA). All four compatibility factors (overflight, airspace protection, noise, safety) were evaluated as part of the GP Consistency Analysis. A series of maps were created as part of the analysis evaluating potential general plan land use inconsistencies with the proposed Compatibility Plan.

Overflight Analysis Summary: None of ONT's overflight policies regulate the use or development of land but they do include provisions for real estate disclosure and/or overflight notification, consistent with state law.

Airspace Protection Analysis Summary: Federal Aviation Administration (FAA) FAR Part 77 airspace protection regulations were designed to ensure that structures and other uses do not cause hazards to aircraft in flight within the vicinity an airport. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards, particularly bird strikes, and land use characteristics that create visual or electronic interference with aircraft navigation or communication.

The policies that protect airspace protection surfaces implement existing federal and state law. Therefore, the Compatibility Plan addresses the Federal Aviation Administration's Part 77 notification requirements, as well as the obstruction criteria identified in Part 77 and the United States Standard for Terminal Instrument Procedures. These policies don't displace future development and/or land uses. Figure I8 illustrates the extent of airspace protection surfaces for ONT.

Noise Analysis Summary: The noise policies restrict the development of future noise-sensitive land uses within areas exposed to 65+ dB CNEL. Under the proposed Compatibility Plan, most noise-sensitive land uses, including low density residential land uses (less than 8 du/ac), would not be compatible within the 65+ CNEL noise contours and, therefore, could have the potential to be displaced in areas surrounding ONT that are exposed to 65 + dB CNEL. Noise Analysis Figures I 1 - I 7 represent those areas where general plan land use designations could be considered incompatible and future land uses could be potentially prohibited and displaced to areas outside of the impact area. Potential displacement was evaluated for residential and mixed-use general plan land use designations within the City of Ontario. Parcels that are contained within or traversed by the 65+ dB CNEL were evaluated for potential displacement. Within the City of Ontario, the analysis identified four areas labeled (A – D) where the 65+ db CNEL had a potential for displacement (Figure I 2).

Area A contains the Guasti and Multi-Modal Mixed Use Land Use Designations that allow multi-family residential uses with a density range of 25-65 du/ac and 20-80 du/ac respectively. The 65 dB CNEL contour traverses portions of the Guasti and Multi-Modal Mixed Use areas as

illustrated in Figure I 3. However, these Mixed Use areas can be developed by keeping the residential components out of the 65+ dB CNEL or may develop within by meeting the following requirements: (1) the residential development is more than 8 dwelling units per acre (PolicyN1); (2) 45 dB interior noise levels are attained (Policy N4) and; (3) an avigation easement is dedicated to the Airport owner (Policy SP1). There is no displacement of potential housing units within Area A since development may still occur by implementing the Policies within the Compatibility Plan.

Area B contains sensitive land use designations (e.g., Low and Medium Density Residential) within the 65 dB CNEL contour that have already been developed. Since these land uses exist, the Compatibility Plan will not cause displacement in Area B as illustrated in Figure I 4.

Area C contains portions of the East Holt Mixed Use area that allows multi-family residential land uses with a density range of 14 – 40 du/ac (Figure I 5). East Holt Mixed Use area can also be developed by keeping the residential components out of the 65+ dB CNEL or developing within by meeting the following requirements: (1) the residential development is more than 8 dwelling units per acre (PolicyN1); (2) 45 dB interior noise levels are attained (Policy N4) and; (3) an avigation easement is dedicated to the Airport owner (Policy SP1). There is no displacement of potential housing units within Area C since development may still occur by implementing the Policies within the Compatibility Plan.

Area D contains blocks of low density residential uses (2- 5 du/ac) that have already been developed. Since these areas have been developed the Compatibility Plan will not cause displacement in Area D (Figure I 6). This area does contain vacant parcels scattered throughout that are considered infill and would be allowed to develop with a residential use as long as a 45 dB interior noise level is attained (Policy N4) and an avigation easement is dedicated to the Airport owner (Policy SP1). Therefore there is no housing displacement within Area D.

The 65 dB CNEL noise contours also affect portions of the City of Fontana and unincorporated parts of San Bernardino County. The areas affecting Fontana and San Bernardino County contain Industrial general plan use designations which are consistent with the Compatibility Plan. Also, it is important to note that the majority of these affected areas are developed and the Compatibility Plan does not apply to existing land uses (Figure I 7).

Safety Analysis Summary: Five safety zones around ONT would affect both the intensity of development (i.e., number of people allowed per acre of land) and total permissible floor area of any future building developed. The five safety zones are based on criteria established by the California Department of Transportation (Caltrans), as described in the California Airport Land Use Handbook (January 2002), and intended to reduce risk to persons and property on the ground and in the air. The safety portion of this analysis is illustrated in Figures I 9 - I 11.

The objective of the Safety Analysis is to identify the Compatibility Plan's potential to displace future residential development within the reconfigured Safety Zones. The policies and criteria are intended to reduce risk by limiting land uses and concentrations of people within the immediate vicinity of ONT. The

Safety Zones identified within the proposed Compatibility Plan reconfigures and updates existing Safety Zones to be consistent with the 2002 California Airport Land Use Planning Handbook. The reconfigured Safety Zones are completely contained within the City of Ontario. The Safety Analysis identified Low Density Residential general plan land use designations within the Safety Zones; however, those areas have already been developed and, as existing uses, are not subject to the Compatibility Plan. Since the Compatibility Plan does not apply to existing land uses and only applies to future development, the reconfiguration of the Safety Zones will not result in the displacement of existing or future housing units. Consistent with state law the Compatibility Plan also restricts land uses such as schools within the safety zones. The GP Consistency Analysis identified the location of existing schools and found that there were no public schools currently located within the proposed safety zones.

GIS Data Sources

The GP Consistency Analysis was a Geographic Information System (GIS) based study, utilizing GIS data sets of general plan land use designations and Compatibility Plan policies and criteria to establish thresholds for the analysis. The GIS data utilized for the analysis was acquired from the cities of Ontario, Montclair, Upland, Rancho Cucamonga, Chino, counties of San Bernardino and Riverside, and Mead & Hunt, Inc.

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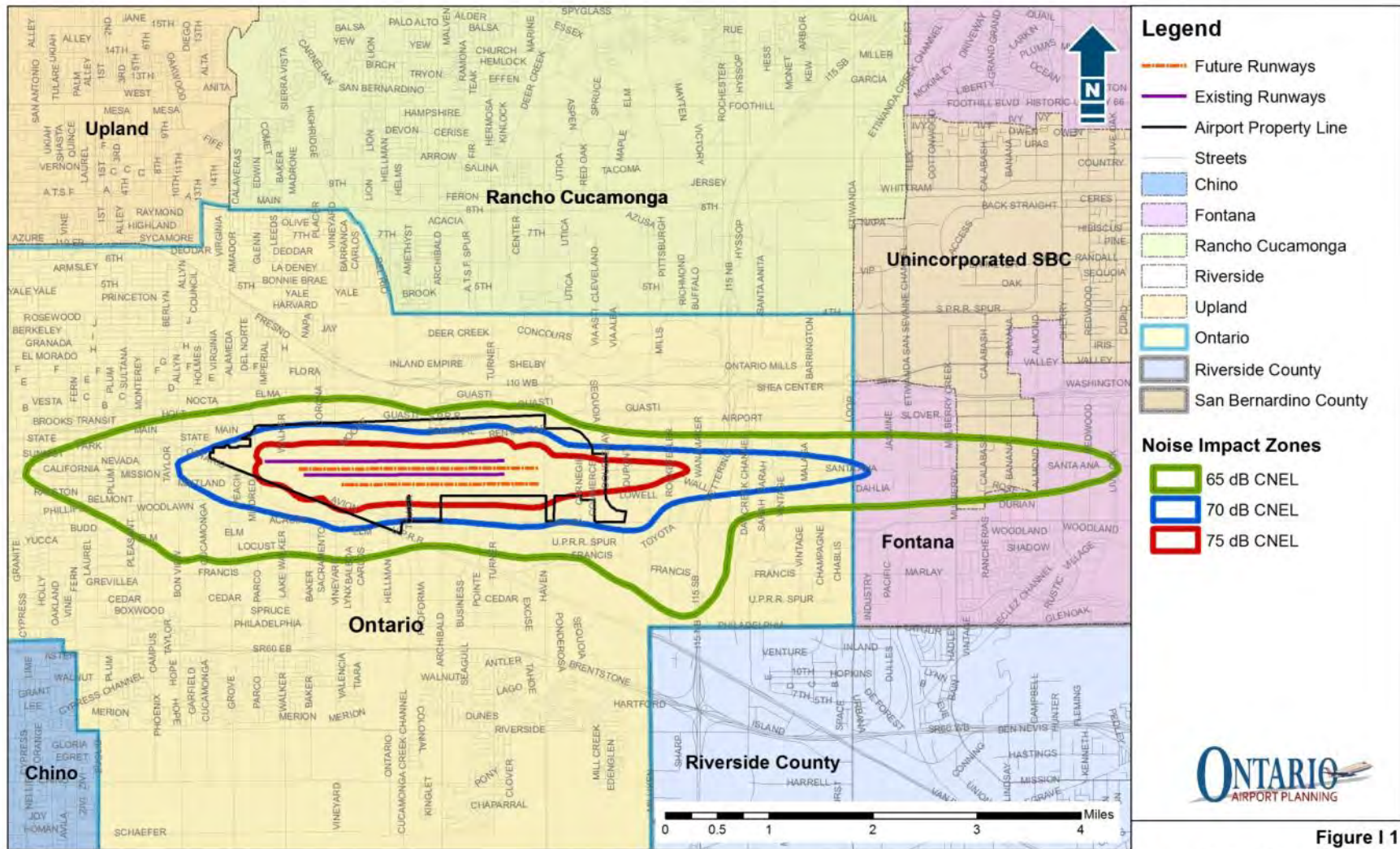


Figure I 1
Noise Impact Zones

Figure I 1 depicted above shows the overall extent of the noise impact zones. The first layer of the noise analysis began with identifying what jurisdictions may be subject to residential land use restrictions as outlined within the compatibility plan. Specifically, what undeveloped areas, if any, have a residential general plan land use designation and fall within the noise impact zones? Utilizing GIS the City of Ontario, Fontana and unincorporated areas of San Bernardino County were identified as being within the noise impact zones.

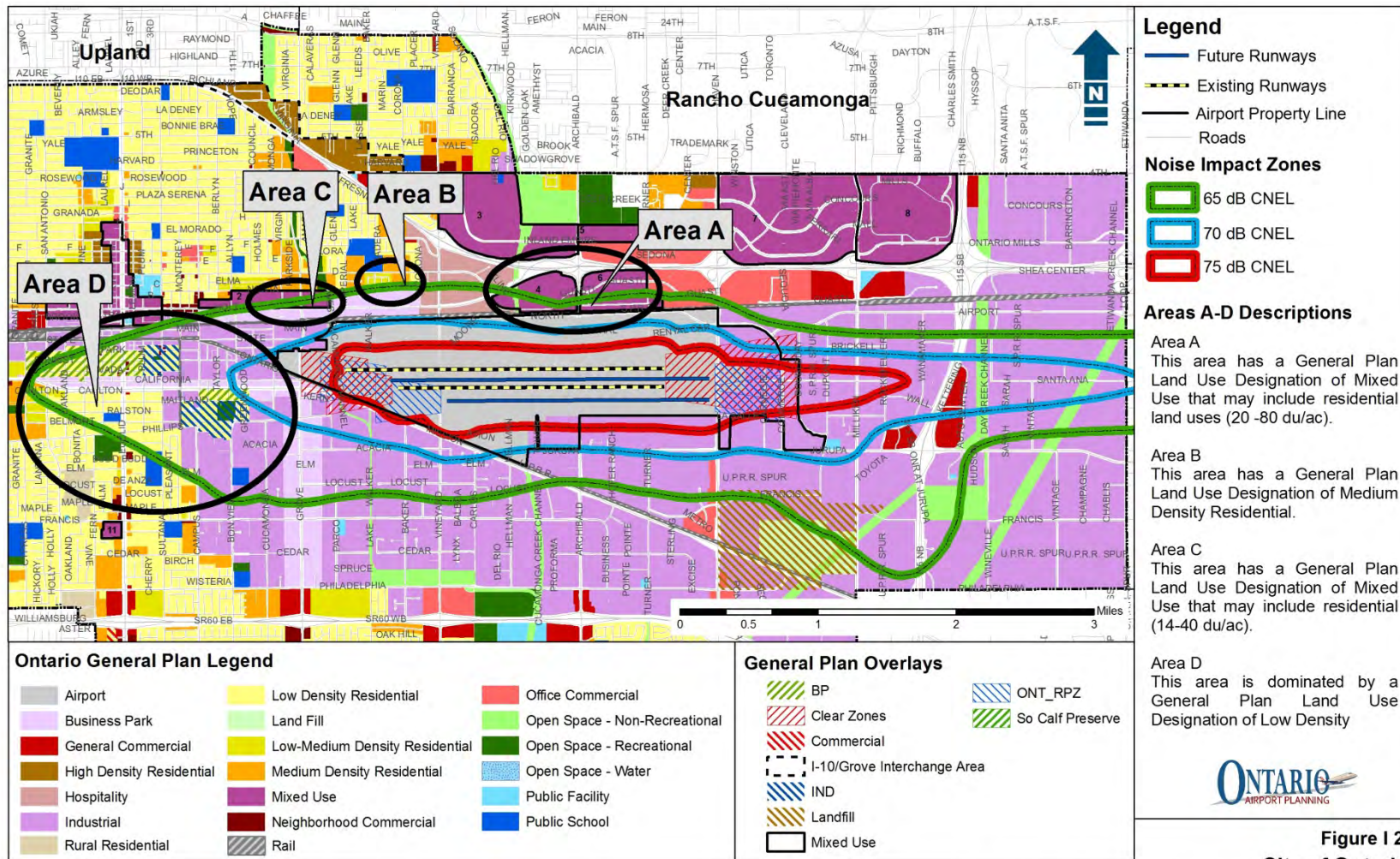


Figure I 2
City of Ontario
General Plan and Noise Impact Consistency Analysis

Figure I 2 illustrates the results of the general plan land use consistency analysis for the City of Ontario, focusing on noise impact zones. The GIS analysis concentrated on identifying areas within the noise impact zone that have a residential general plan land use designation and any other land use designations that have a residential component. The areas identified as having a residential land use designations are identified on the map and labeled A – D. Each area was analyzed further to account for any potential displacement of future residential development.

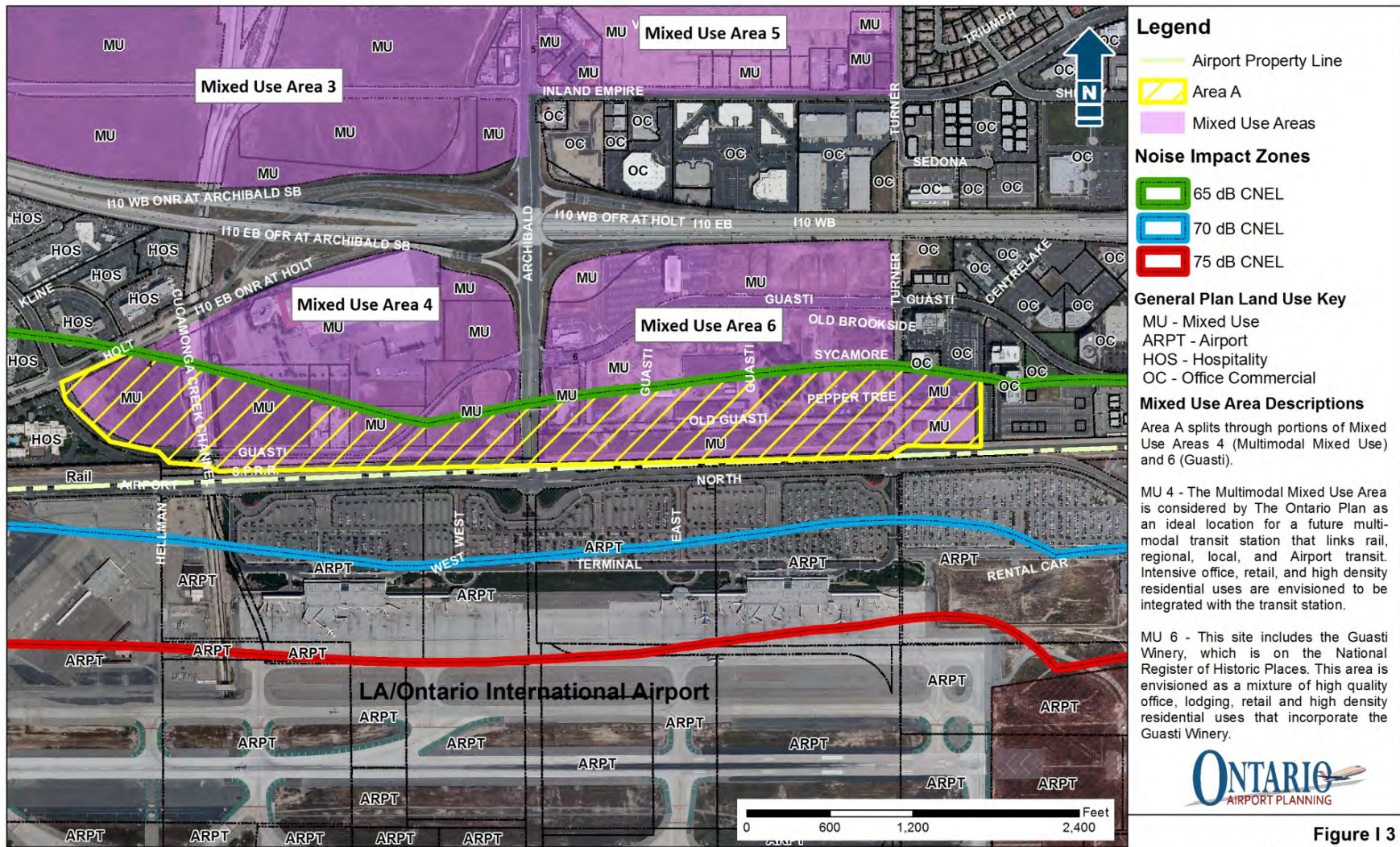


Figure I 3
Area A - City of Ontario
General Plan and Noise Impact Consistency Analysis

Figure I 3 Area A, shown in yellow hatched marks indicates that the 65 dB noise impact zone crosses through sections of Mixed Use Areas 4 and 6. These mixed use areas are described within the Ontario Plan as being able to develop with multi-family residential uses. There is no displacement of potential housing units within Area A since development may still occur by implementing policies set forth within the Compatibility Plan.

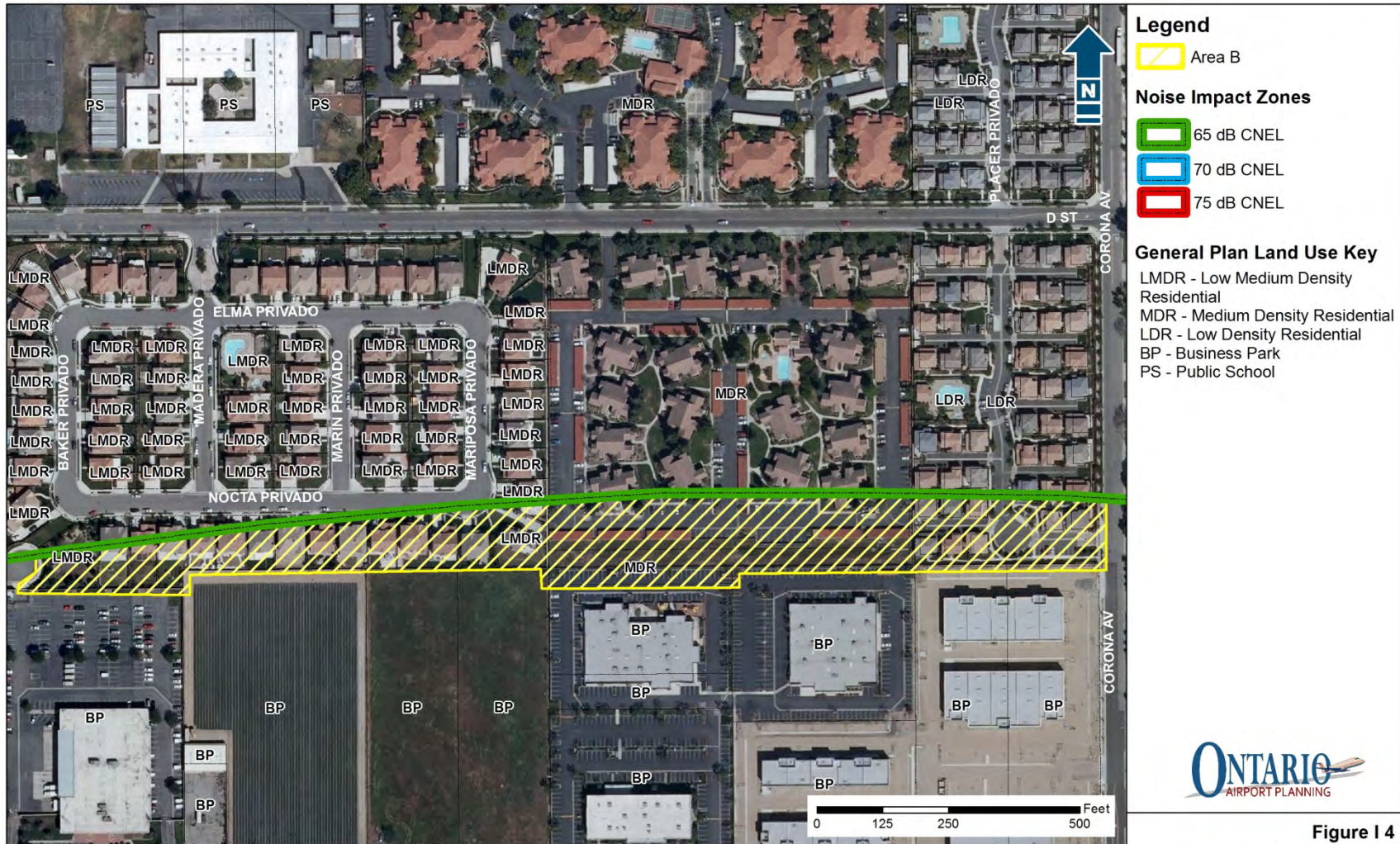


Figure I 4
Area B - City of Ontario
General Plan and Noise Impact Consistency Analysis

Figure I 4 Area B, shown in yellow hatched mark shows that the 65 dB noise impact zone, shown in green crosses through sections of residential general plan land use designations. Because these areas are built out they are not subject to the compatibility plan.



Figure I 5
**Area C - City of Ontario
 General Plan and Noise Impact Consistency Analysis**

Figure I 5 Area C, shown in the yellow hatched mark shows that the 65 dB noise impact zone crosses through sections of Mixed Use Area 2. This mixed use area does allow multi-family residential development to occur. However, there is no displacement of potential housing units within Area C since residential uses may still occur by implementing the policies set forth within the Compatibility Plan.

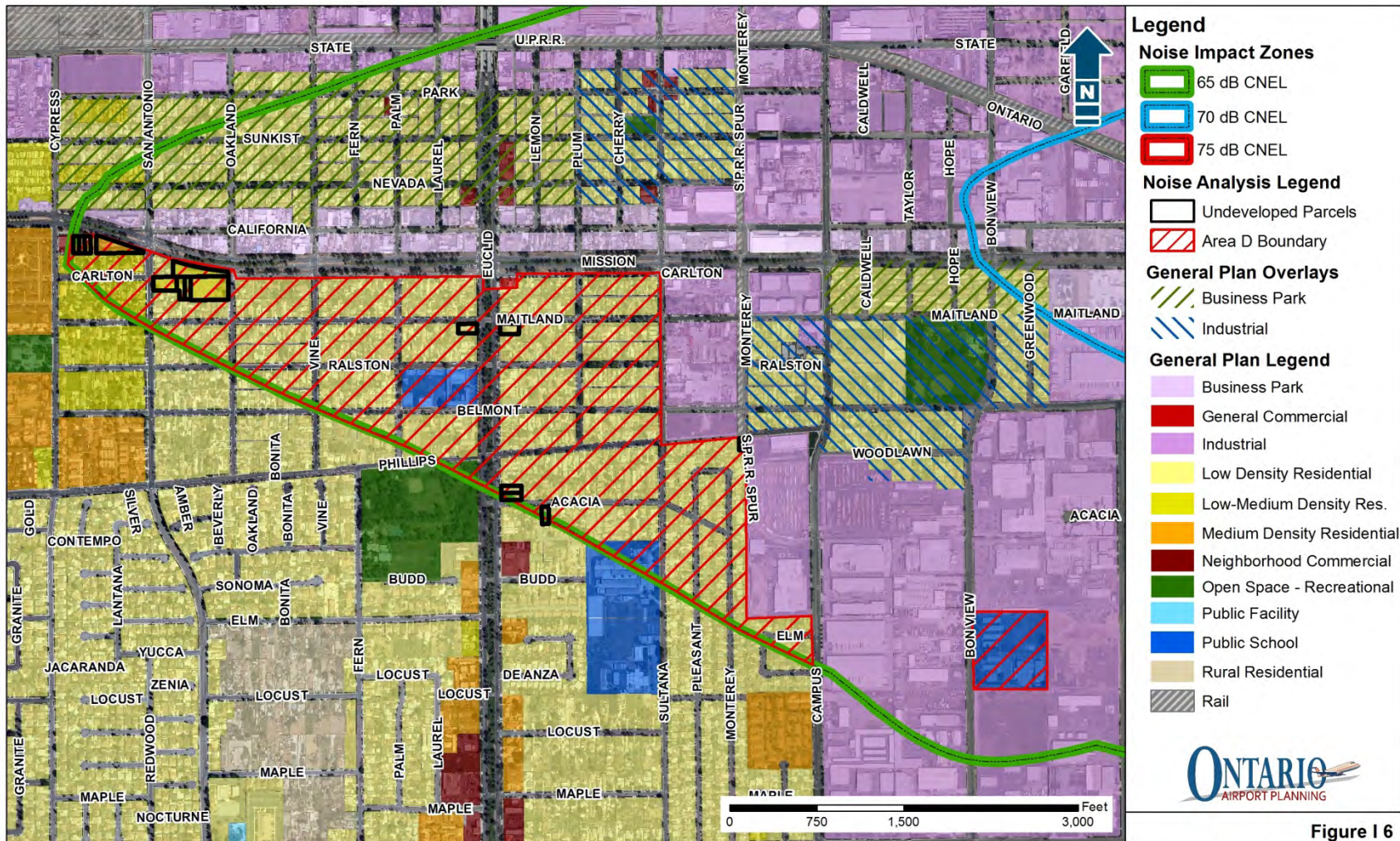


Figure I 6
Area D - City of Ontario
General Plan and Noise Impact Consistency Analysis

Figure I 6 Area D, shown in red hatched marks shows that the 65 dB noise impact zone crosses through sections of residential general plan land use designations. However these areas are built out with residential land uses and are not subject to the compatibility plan. There are some scattered undeveloped parcels throughout the area that would be considered infill development as defined by the compatibility plan and therefore would be allowed to develop with residential uses consistent with existing surrounding conditions.

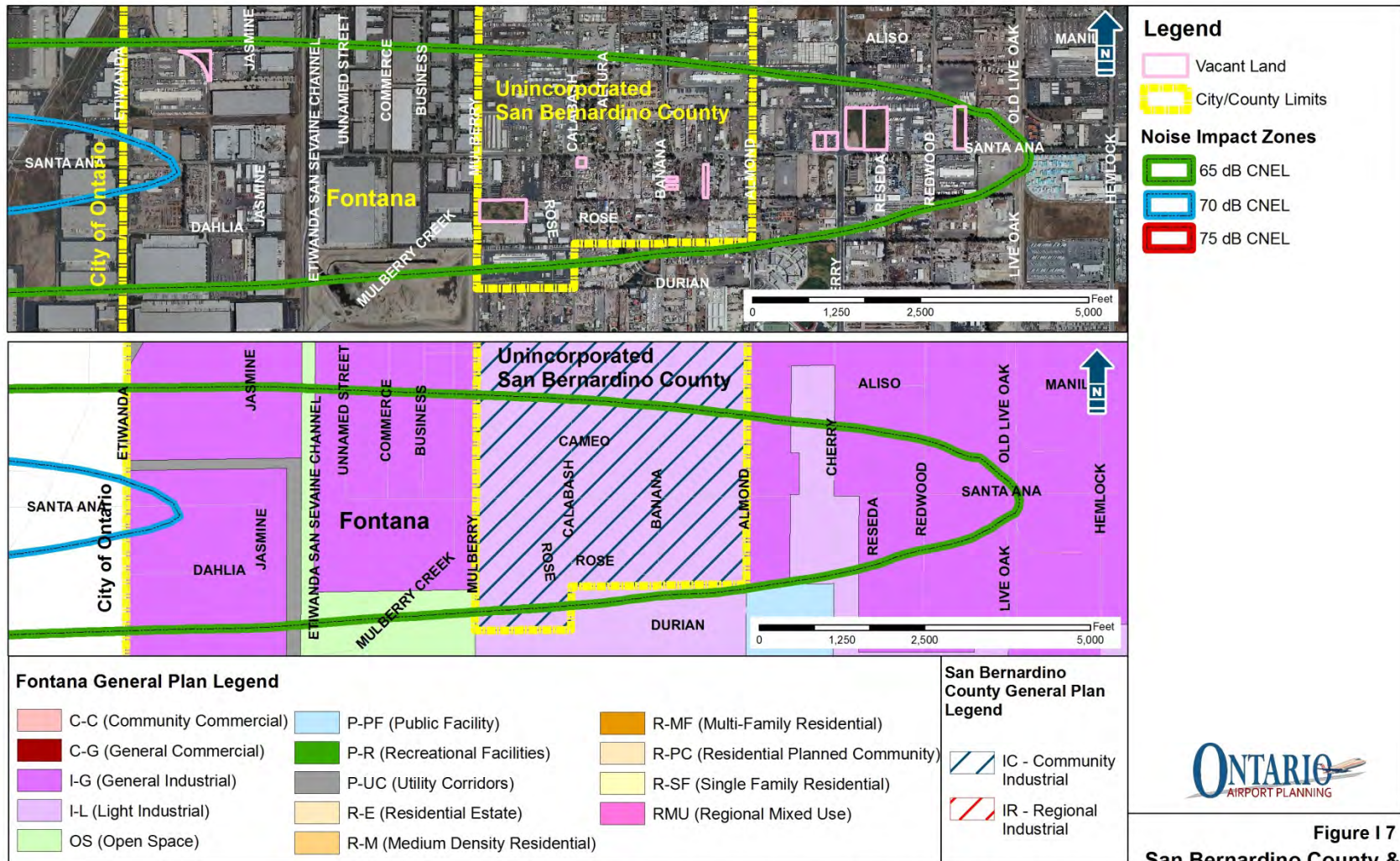


Figure I 7 San Bernardino County & Fontana's General Plan Land Use Designation and Noise Consistency Analysis

Figure I 7 illustrates the results of the general plan land use consistency analysis for the City of Fontana and unincorporated areas of San Bernardino County which are in the sphere of influence of Fontana. The GIS analysis concentrated on identifying areas if any within the noise impact zone that have a residential general plan land use designation. There were no areas identified as having a residential land use designation within the noise impact zones. Therefore, there is no potential for displacement of future residential development. As shown above the land uses that fall within the noise impact zone are industrial land uses.

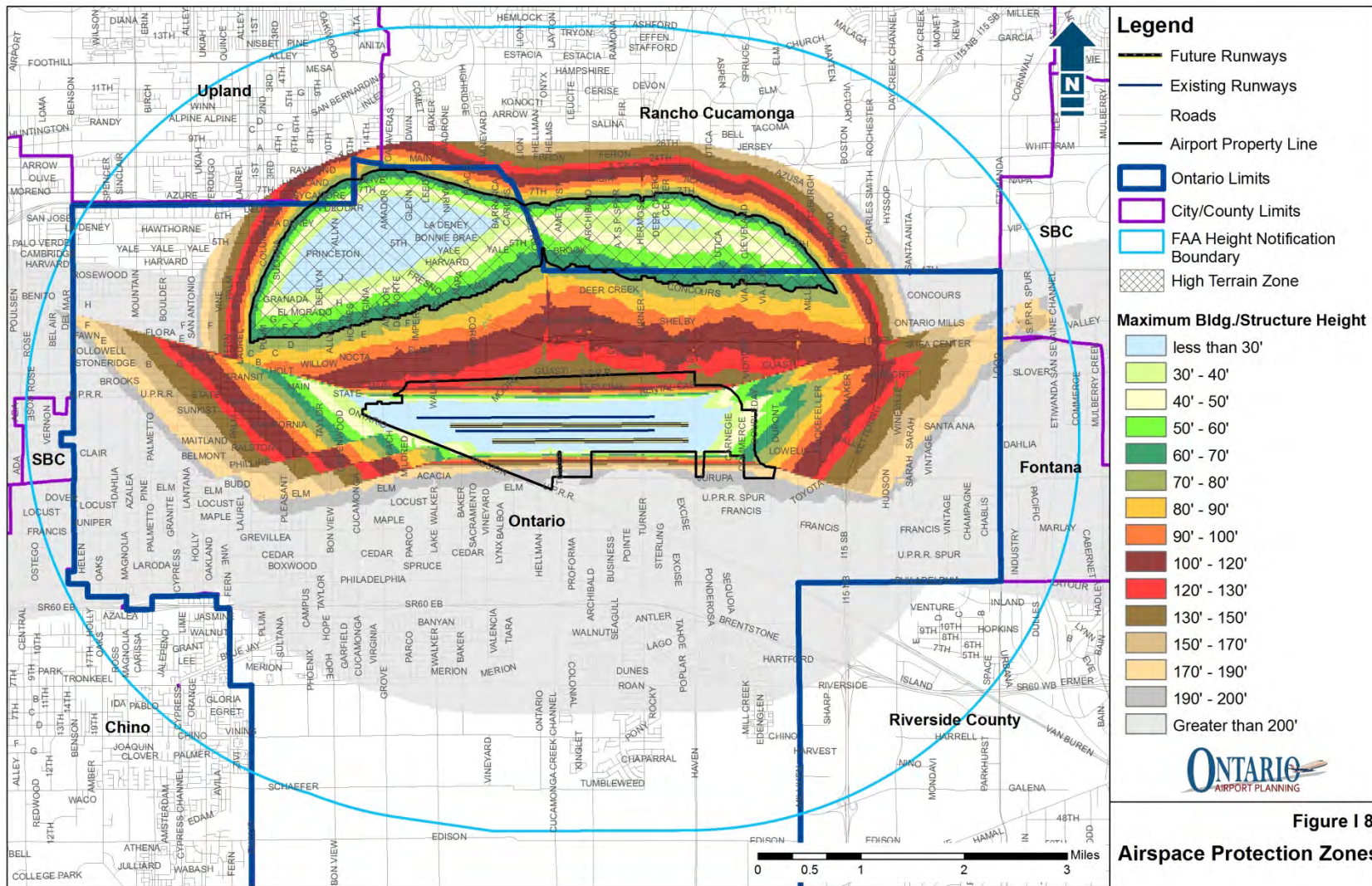


Figure I 8
Airspace Protection Zones

Figure I 8 illustrates allowable building heights that were calculated by utilizing FAR Part 77 standards, TERPS procedures and other FAA criteria. The airspace protection standards do not affect general plan land use designation types. These standards may require an aeronautical review by the FAA and may set height limitations on a proposed structure within the affected areas as shown above. Height limitations vary from parcel to parcel and new development throughout the affected areas must take into consideration height limitations set in place by the FAA, State of California and this compatibility plan.

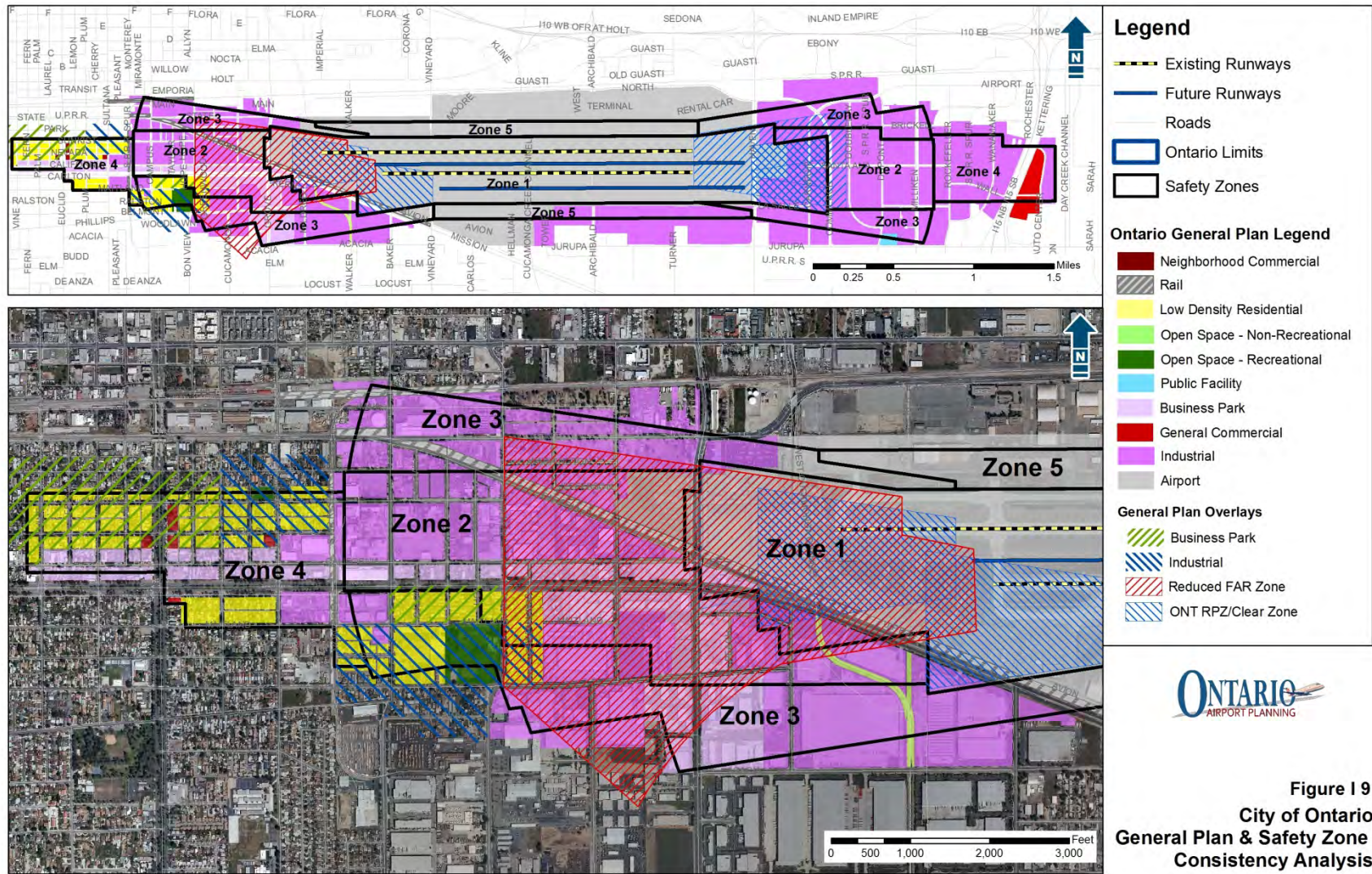


Figure I 9
City of Ontario
General Plan & Safety Zone
Consistency Analysis

Figure I 9 depicted above shows the overall extent of the safety zones within the City of Ontario. The first layer of the safety analysis began with identifying residential land use designations within the City of Ontario, since safety zone restrictions as outlined within the compatibility plan, do not support new residential development. As shown above Industrial general plan land use designations are dominant on the east side of the airport, but there were residential land uses identified on the west side of the airport.

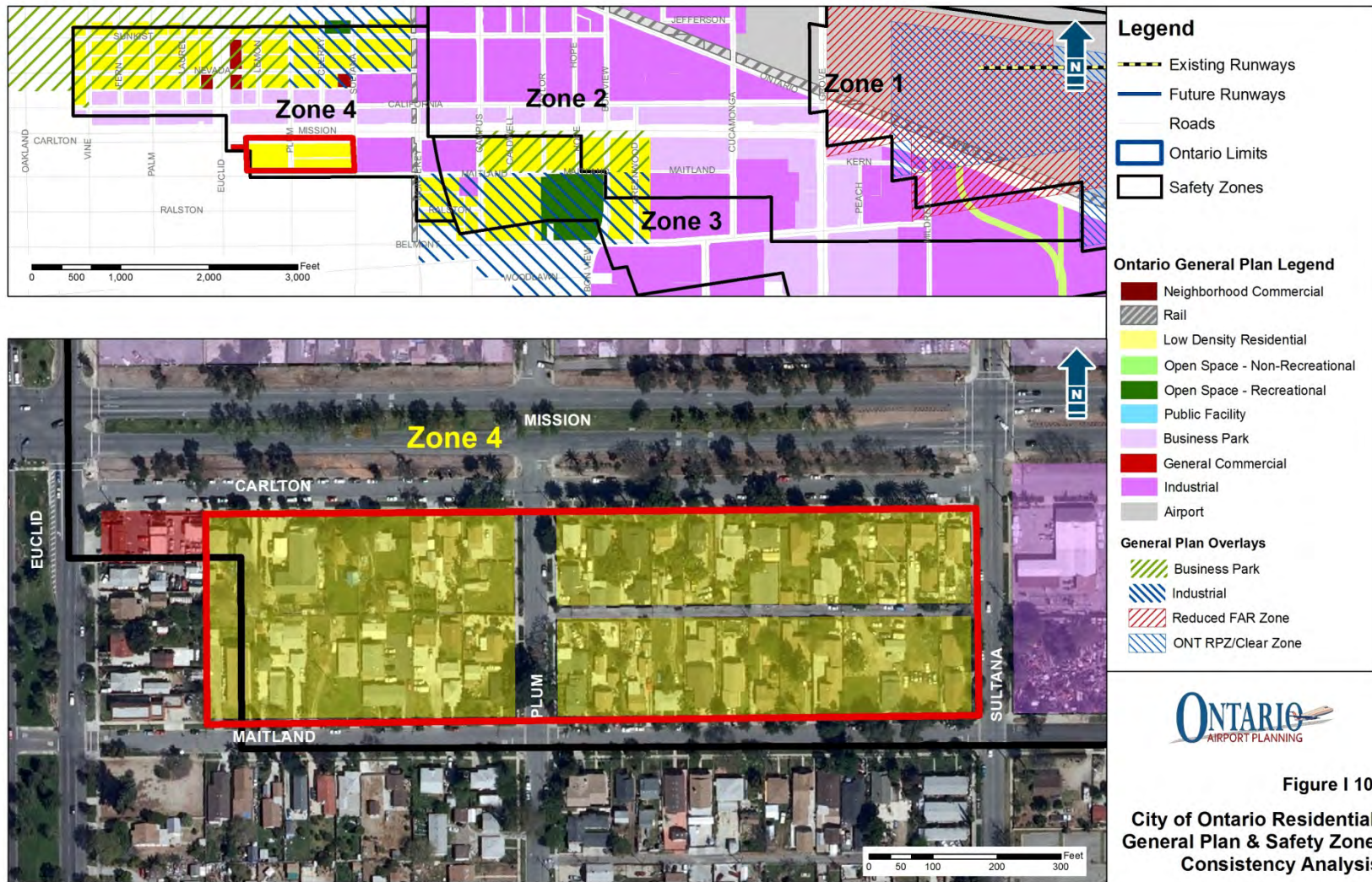


Figure I 10
City of Ontario Residential
General Plan & Safety Zone
Consistency Analysis

Figure I 10 depicts the second layer of the safety analysis focusing on the residential land use designations west of the airport. Some of the residential general plan designation areas shown above include an Industrial and Business Park overlay. These overlays were put in place to allow existing residential neighborhoods to transition into industrial areas over time. As shown above, area in red is developed with residential uses and therefore, there would be no displacement.

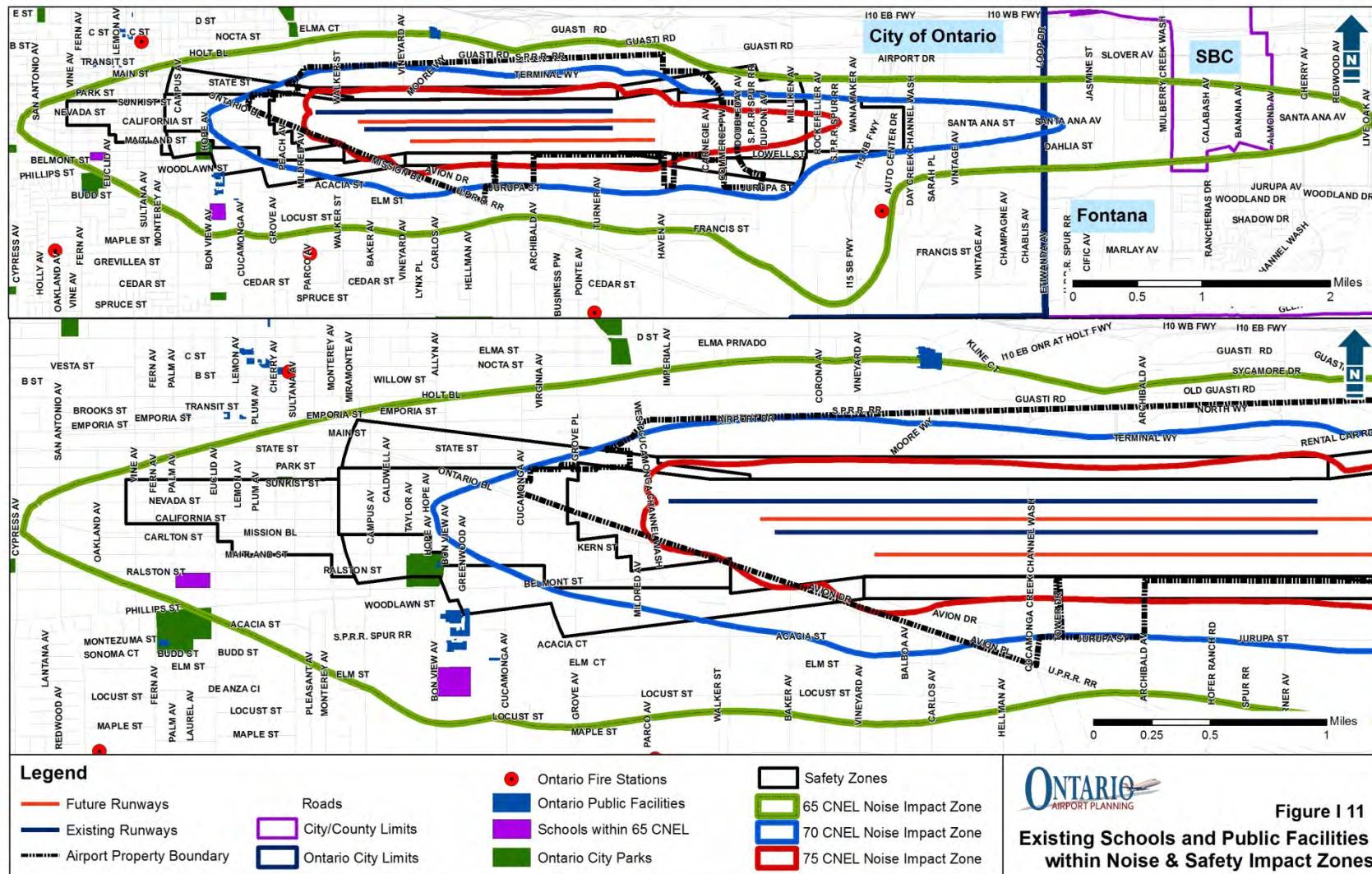


Figure I 11
Existing Schools and Public Facilities
within Noise & Safety Impact Zones

Figure I 11 depicted above shows the overall extent of the safety zones and noise impact zones in comparison to existing schools and public facilities within the City of Ontario. Consistent with state law, the compatibility plan sets policies against placing new or expanding existing schools and some public facilities within the noise and safety impact zones. This inventory shows that there are no schools currently located within the safety zones but there are two schools located within the noise impact zones, Euclid Elementary and R.O.P. Training Center .

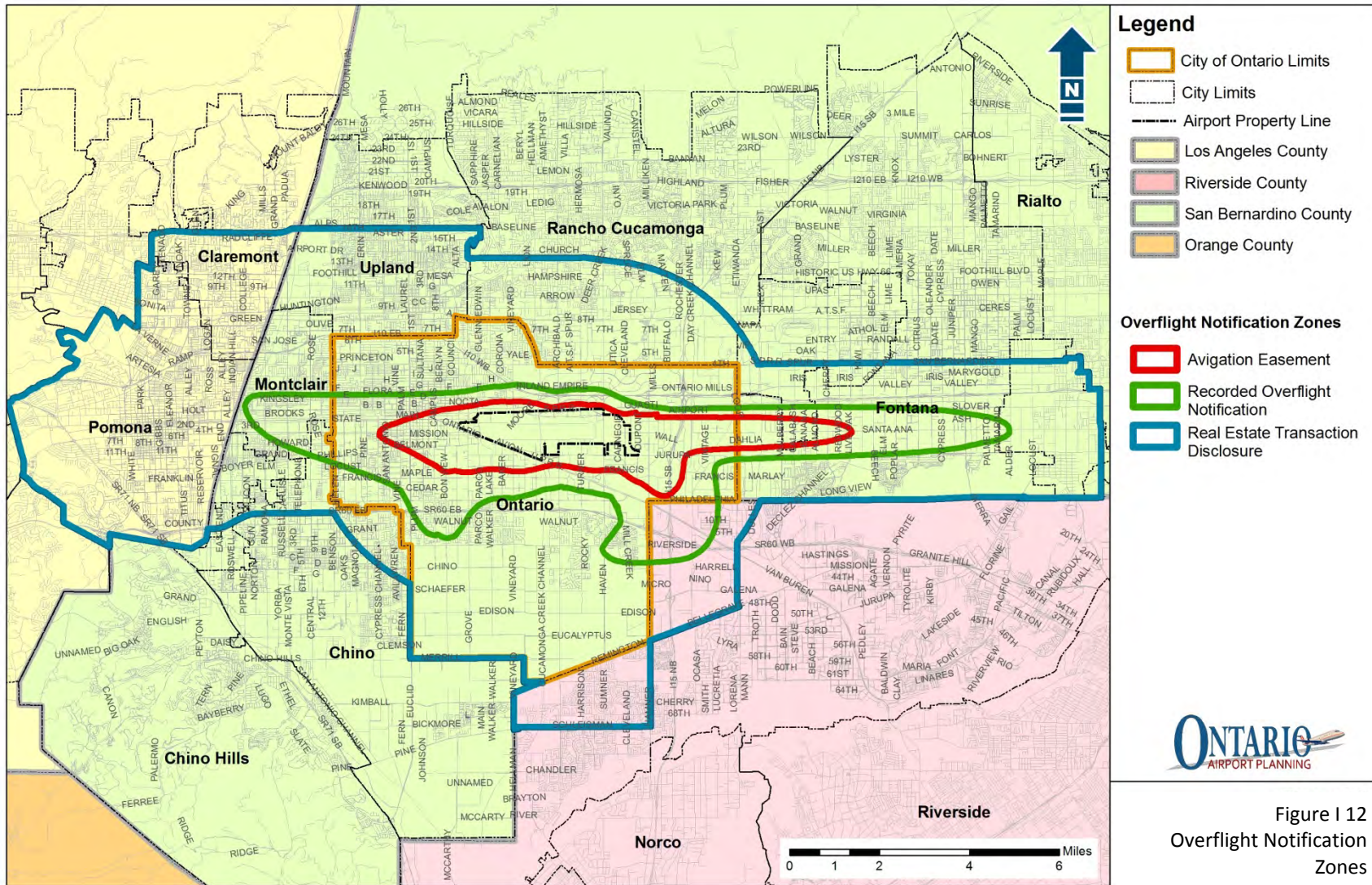


Figure I 12
Overflight Notification
Zones

Figure I 12 depicted above shows the extent of the overflight notification zones.



APPENDIX J

Introduction

Federal Aviation Administration (FAA) FAR Part 77 airspace protection regulations were designed to ensure that structures and other uses do not cause hazards to aircraft in flight within the vicinity an airport. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards, particularly bird strikes, and land use characteristics that create visual or electronic interference with aircraft navigation or communication. Typically, proposed structures that penetrate FAR Part 77, Subpart B are considered an airspace obstruction and require an aeronautical review by the FAA. However, FAR Part 77, Subpart B, Section 77.15 of the regulations also stipulate that “FAA review is not required for new structures that would penetrate the airport’s airspace surfaces if the proposed structure would be shielded by existing structures of a permanent and substantial character of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.”

High Terrain Zone Study Area Setting

The underlying topography of an airport’s airspace imaginary surfaces can play a significant factor in determining the allowable height of a structure. Allowable heights north of ONT are reduced due to the rising terrain sloping upwards towards the San Gabriel Mountains and, in some areas, the natural terrain pierces the imaginary surfaces. The rising terrain area north of ONT, referred to as the High Terrain Zone within this study, is confined to portions of Upland, Ontario and Rancho Cucamonga. The High Terrain Zone study area is highly developed with a combination of residential, industrial and commercial land uses with a limited number of vacant parcels scattered throughout that could accommodate infill development.

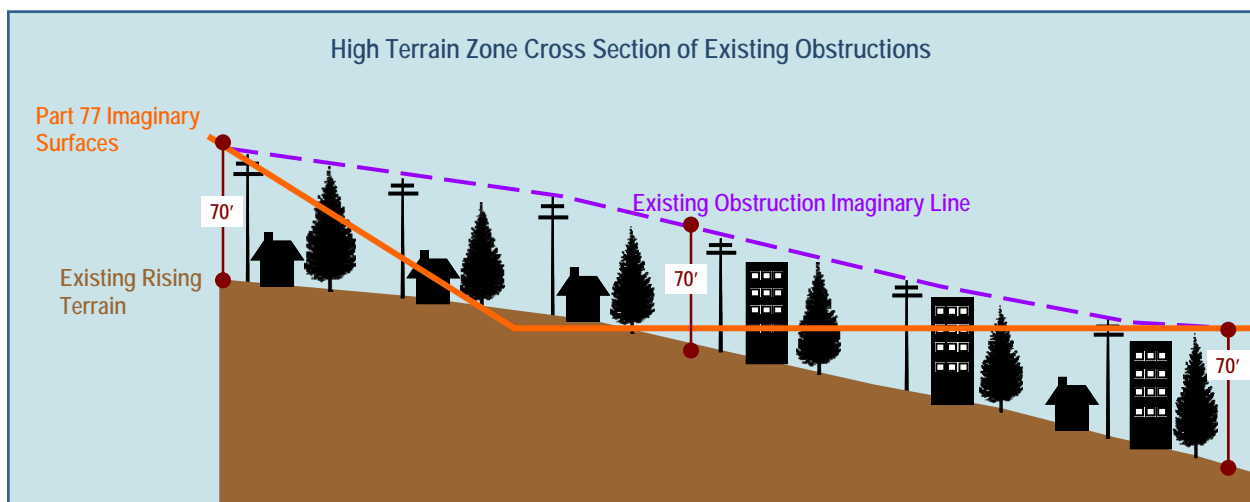
Methodology

This study utilized GIS methods and field surveys to identify existing obstructions within the High Terrain Zone study area. GIS 3D Analyst modeling techniques were utilized to calculate the allowable heights by taking the underlying ground elevation and comparing it to the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces. The GIS 3D Analyst produced a 2-dimensional color-banded map with each color band representing a range of the distance, measured in vertical feet, between the ground and overlying surface. The map illustrates the allowable height range of a structure. The color coded bands are typically divided at 10 or 20 foot intervals as shown in Figure J-1. The areas north of ONT resulted in a series of concentric like elliptical shapes, with the inner-most elliptical shapes having allowable heights of less than 30

feet. The outer-most elliptical shapes have allowable heights of up to 120 feet. The 70 foot color-coded concentric elliptical shape was digitized into a shapefile and is identified as the High Terrain Zone and the project study area.

A windshield reconnaissance survey was conducted establishing that trees and Southern California Edison (SCE) power poles are the tallest objects in the vicinity. SCE was contacted for GIS pole height and location data but they did not have that data available. However, SCE did indicate that pole heights vary and SCE poles north of the airport varied in size, with some poles reaching heights greater than 80 feet. Since SCE pole data was not available, the City of Ontario conducted a sample survey of existing SCE pole heights within the High Terrain Zone study area. There were a total of 28 poles examined by City of Ontario surveyors. The City surveyors recorded an elevation height at the top and base of each pole to determine each SCE pole height. Figure J1 identifies the locations of the SCE poles surveyed and displays the allowable heights within the High Terrain Zone study area. The sample survey of SCE poles are cataloged on pages J9 - J17, showing a detail of the pole location and pole data. Figure J2 displays the entire study area and shows the location of each pole with the associated pole height labeled above its location. Figure J2 also demonstrates how existing SCE poles have heights of up to 70 feet within areas of allowable heights of less than 30 feet.

An important note to make regarding the High Terrain Zone study area is that the outermost concentric elliptical shape allows for heights of up to 70 feet and the inner most elliptical shape allows heights that are significantly reduced and, in some areas, less than 0 feet. The diagram below illustrates the rising terrain, the Part 77 imaginary airspace protection surfaces, and existing obstructions imaginary line.



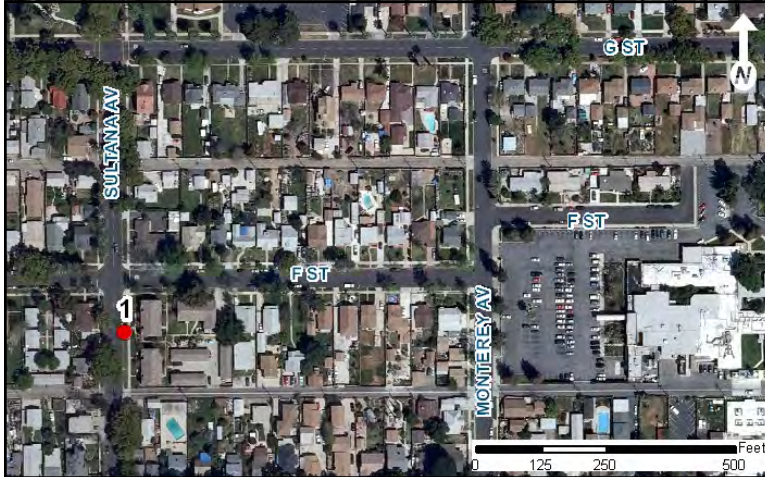
This survey also focused on locating concentrations of trees that pierce the imaginary surfaces. Figures J3 and J4 show the tree locations within the public right-of-way in conjunction with the associated height range. Figures J3 and J4 reflect street tree information for the City of Ontario. The City of Rancho Cucamonga did not have GIS data available for street trees within the public

right-of-way but did provide their “Street Tree Designations per Street” document. This study relied on city street tree documents, SCE pole data and reconnaissance information to document existing airspace obstructions within the High Terrain Zone study area. The existing conditions and obstructions documented within the study area concentrated around major streets focusing on street trees, SCE Poles and any other obstructions can be found on pages J18 - J32. Street Tree information for the City of Rancho Cucamonga can be found on pages J33 - J36.

Findings/Recommendations

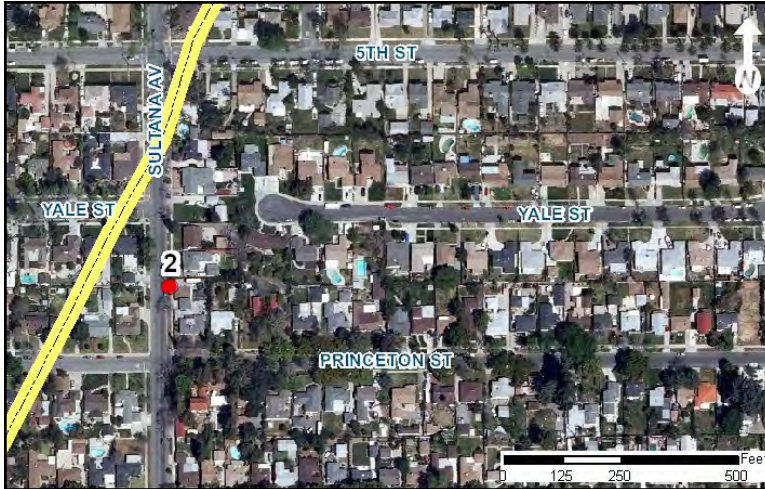
The City of Ontario conducted this study to document existing obstructions and help establish a threshold for new construction within the High Terrain Zone study area. Based on evidence provided in this study, it is recommended that a threshold of 70 feet be established within the High Terrain Zone study area for new construction due to the height of existing obstructions, which is consistent with FAR Part 77, Subpart B, Section 77.15. Therefore, a proposed structure of up to 70 feet in height (subject to local agency zoning limits) within the High Terrain Zone Study Area should be exempt from FAA aeronautical reviews.

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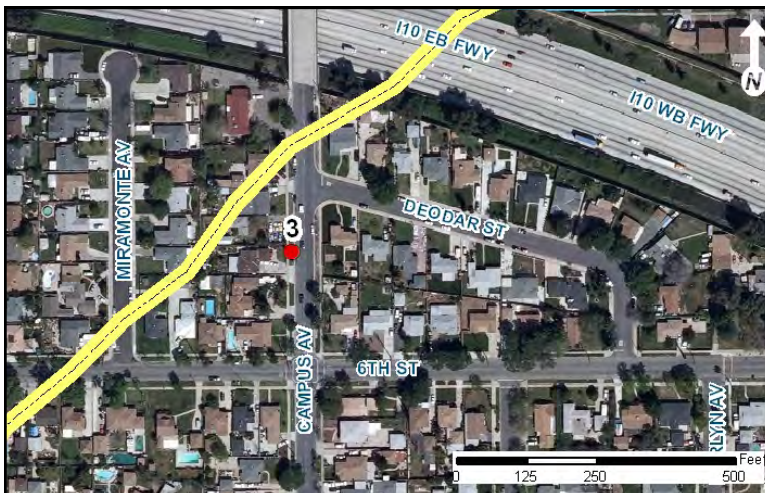
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Notes:



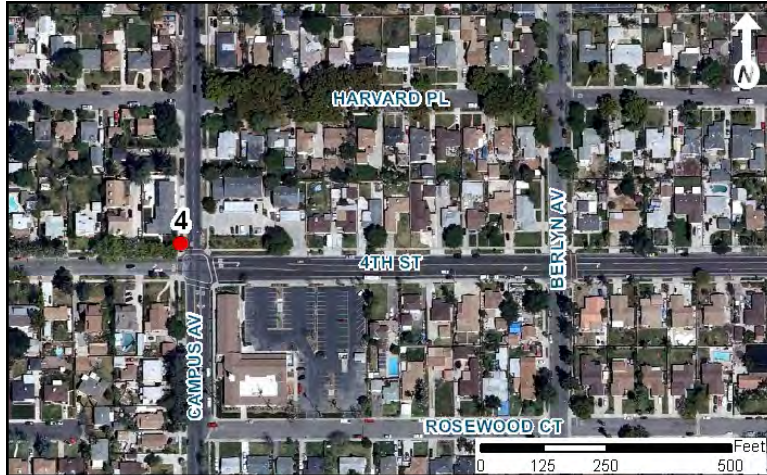
Pole ID	2
Pole #	748842
Pole Height	44.63 ft
Pole MSL	1148.46 Top 1103.83 Base

Notes:



Pole ID	3
Pole #	4387034E
Pole Height	70.07 ft
Pole MSL	1210.42 Top 1140.35 Base

Notes:



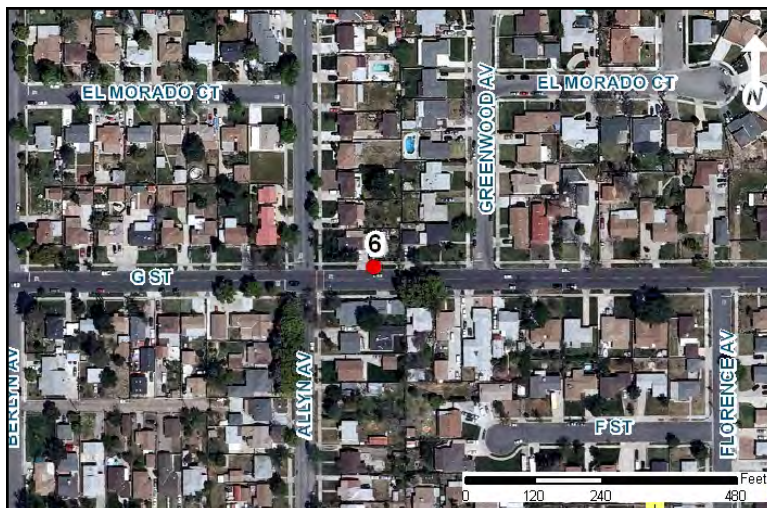
Pole ID	4
Pole #	870510E
Pole Height	68.93 ft
Pole MSL	1155.20 Top 1086.27 Base

Notes:



Pole ID	5
Pole #	1683056E
Pole Height	61.23 ft
Pole MSL	1086.77 Top 1025.54 Base

Notes:



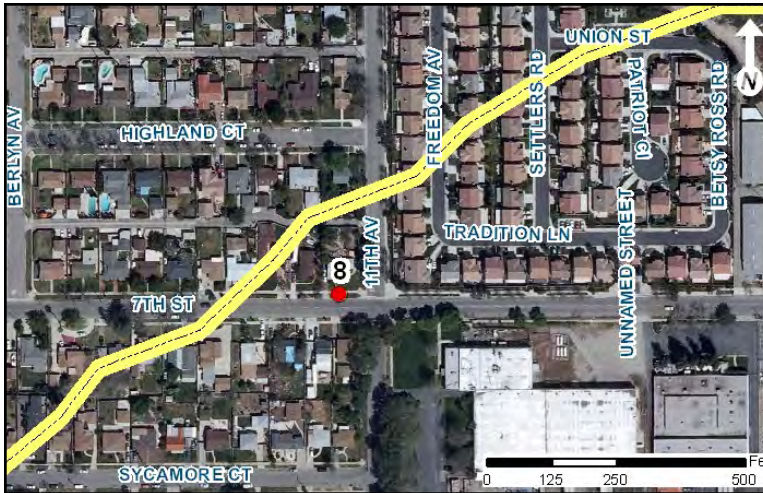
Pole ID	6
Pole #	H4214V
Pole Height	34.19 ft
Pole MSL	1069.04 Top 1034.85 Base

Notes:



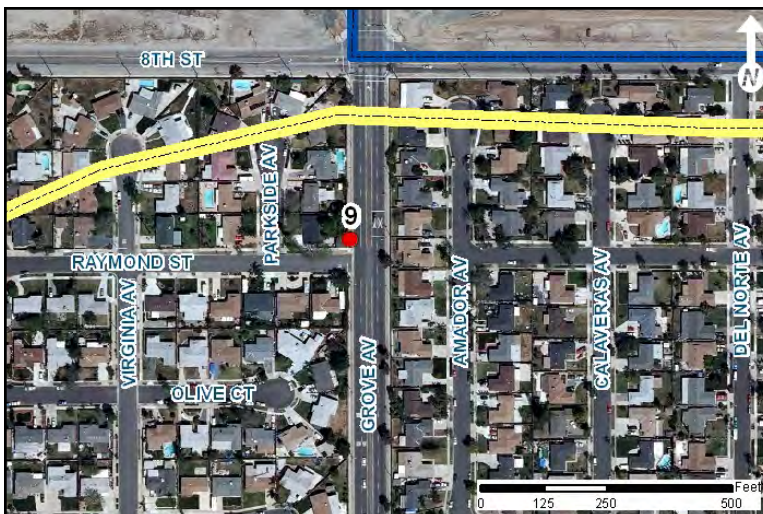
Pole ID	7
Pole #	1986184E
Pole Height	63.38 ft
Pole MSL	1194.70 Top 1131.32 Base

Notes:



Pole ID	8
Pole #	4310171E
Pole Height	48.44 ft
Pole MSL	1206.83 Top 1158.39 Base

Notes:



Pole ID	9
Pole #	1138368E
Pole Height	43.13 ft
Pole MSL	1202.98 Top 1159.85 Base

Notes:



Pole ID	10
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Pole MSL	1145.28 Top 1089.02 Base

Notes:



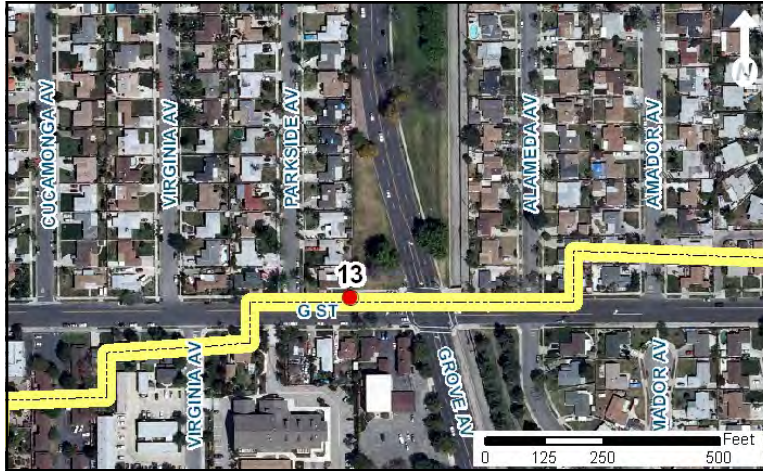
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Notes:



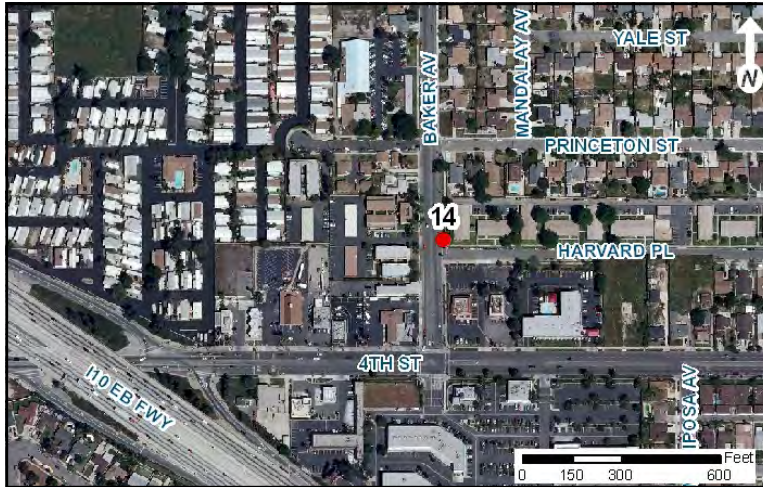
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Pole Height	37.44 ft
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Notes:



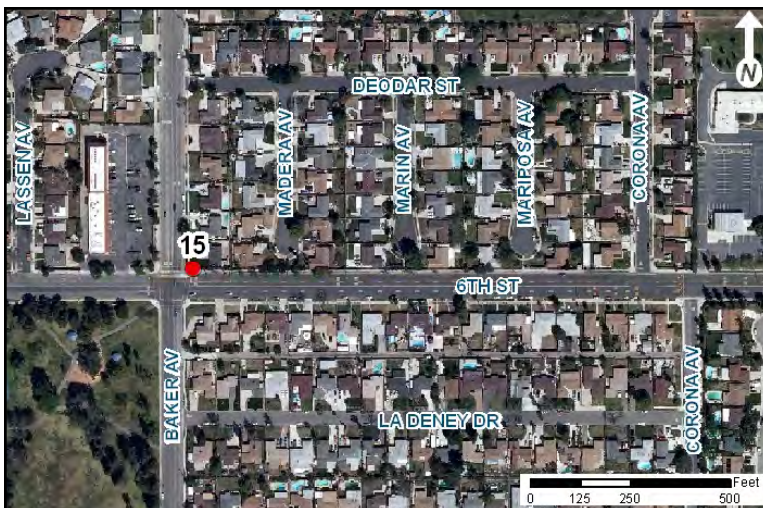
Pole ID	13
Pole #	4568409E
Pole Height	38.84 ft
Pole MSL	1062.76 Top 1023.92 Base

Notes:



Pole ID	14
Pole #	H30853Y
Pole Height	38.71 ft
Pole MSL	1094.89 Top 1056.18 Base

Notes:



Pole ID	15
Pole #	309726E
Pole Height	69.42 ft
Pole MSL	1165.93 Top 1096.51 Base

Notes:



Pole ID	16
Pole #	H16749Y
Pole Height	37.87 ft
Pole MSL	1164.81 Top 1126.94 Base

Notes:



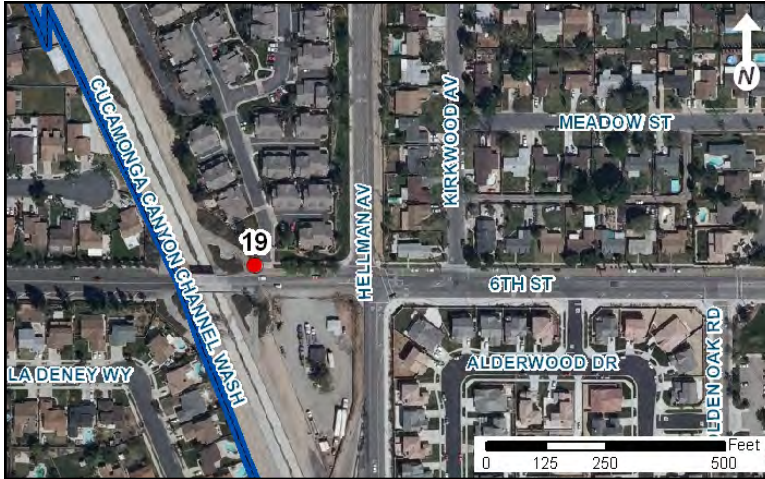
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Notes:



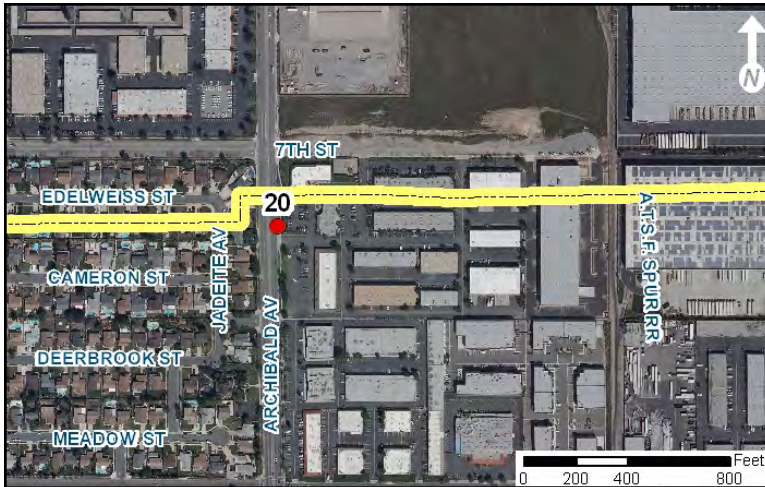
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Notes:



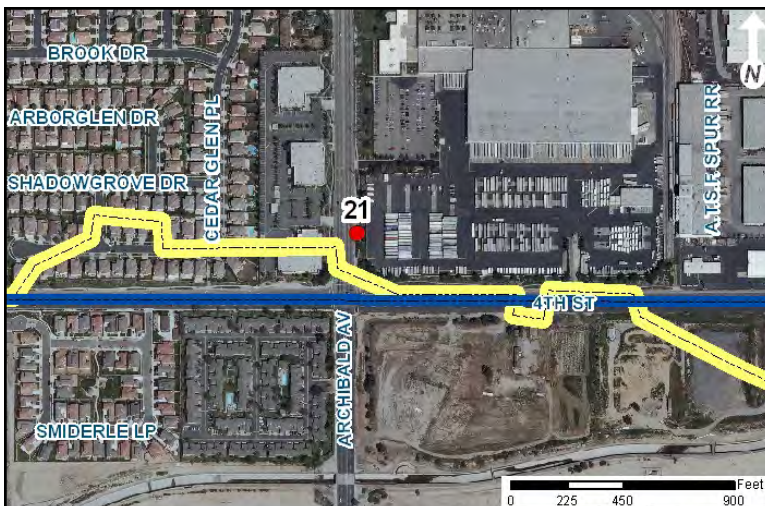
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Notes:



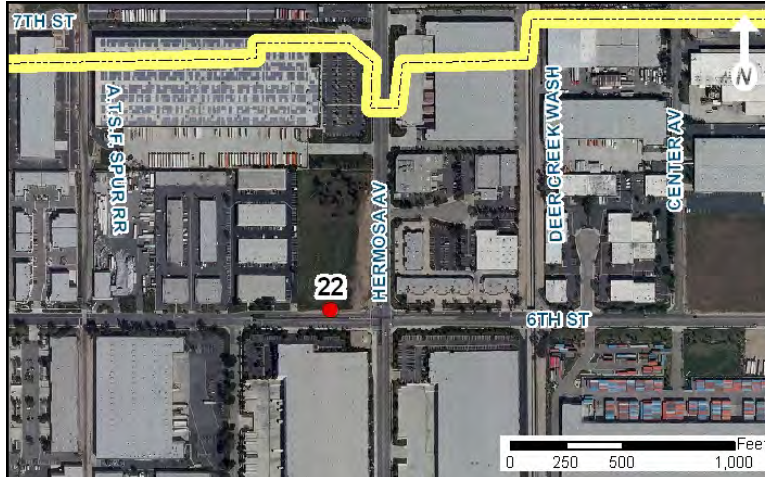
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Notes:



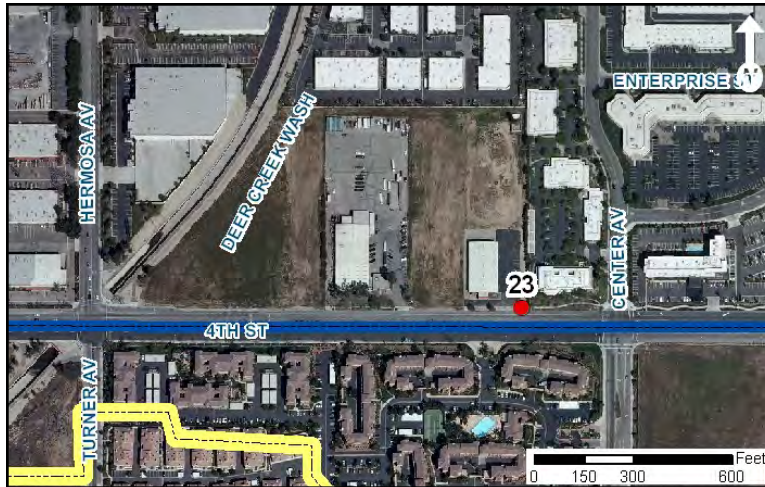
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Pole #	4168379E
Pole Height	60.38 ft
Pole MSL	1084.82 Top 1024.44 Base

Notes:



Pole ID	22
Pole #	4072044E
Pole Height	64.92 ft
Pole MSL	1134.83 Top 1069.91 Base

Notes:



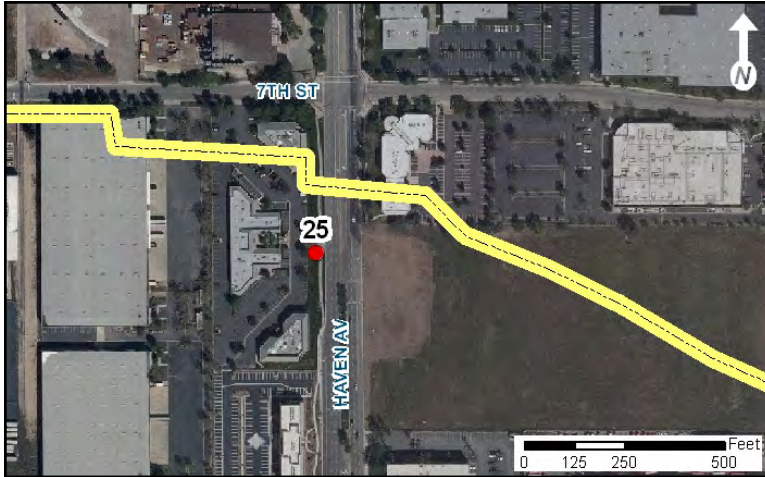
Pole ID	23
Pole #	4428319E
Pole Height	60.86 ft
Pole MSL	1091.88 Top 1031.02 Base

Notes:



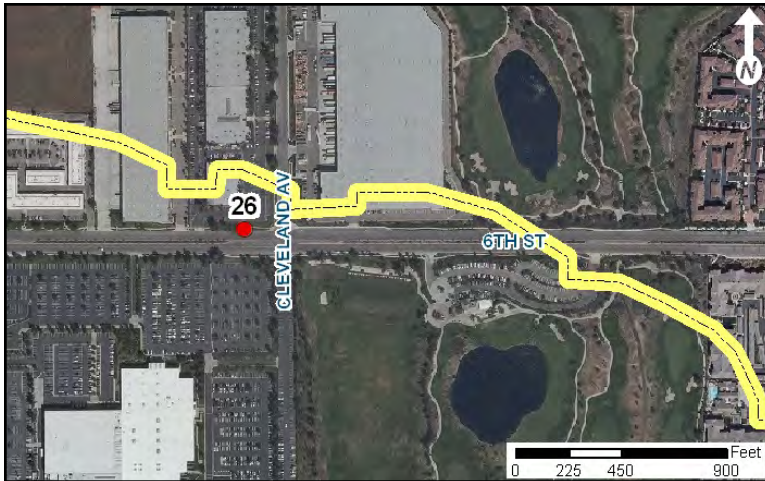
Pole ID	24
Pole #	4024696E
Pole Height	49.18 ft
Pole MSL	1078.32 Top 1029.14 Base

Notes:



Pole ID	25
Pole #	1377501E
Pole Height	58.64 ft
Pole MSL	1147.25 Top 1088.61 Base

Notes:

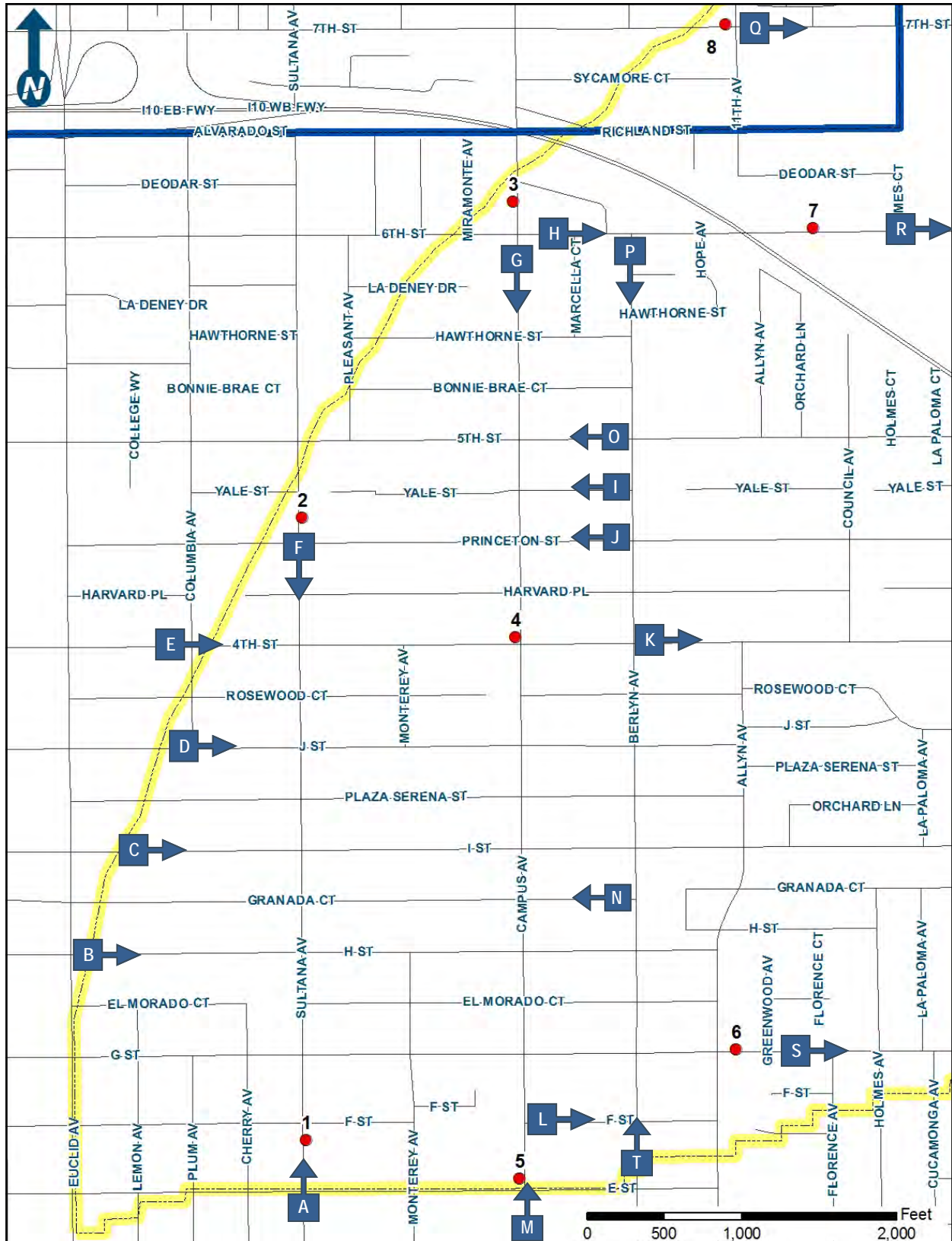


Pole ID	26
Pole #	4246899E
Pole Height	47.49 ft
Pole MSL	1114.70 Top 1067.21 Base

Notes:



Pole ID	27 28
Pole #	4632148E 4087861E
Pole Height	60.83 ft 56.75 ft
Pole MSL	1089.55 Top 1028.72 Base 1092.20 Top 1035.45 Base



A Looking North on Sultana Ave at E St Intersection



B Looking East on H St on Euclid Ave Intersection



C Looking North on Sultana Ave at E St Intersection



D Looking East on H St near Euclid Ave Intersection



E Looking East on 4th St at Columbia Ave Intersection



F Looking South on Sultana Ave at Princeton St Intersection



Notes:

G Looking South on Campus Ave at H Street Intersection



H Looking East on 6th Street on Campus Ave Intersection



I Looking West on Yale St at Campus Ave Intersection



J Looking West on Princeton St at Campus Ave Intersection



K Looking East on 4th St at Campus Ave Intersection



L Looking East on F St at Campus Ave Intersection



Notes:

M Looking North on Campus Ave at E St Intersection



N Looking West on Granada Ct at Berlyn Ave Intersection



O Looking West on 5th St at Berlyn Ave Intersection



P Looking South on Berlyn Ave at 6th St Intersection



Q Looking East on 7th St at 11th Ave Intersection



R Looking East on 6th St near Hope Ave Intersection



Notes:

S Looking East on G St at Allyn Ave Intersection



T Looking North on Berlyn Ave at E St Intersection



U Looking North on Cucamonga Ave at G St Intersection



V Looking North on Grove Ave at G St Intersection



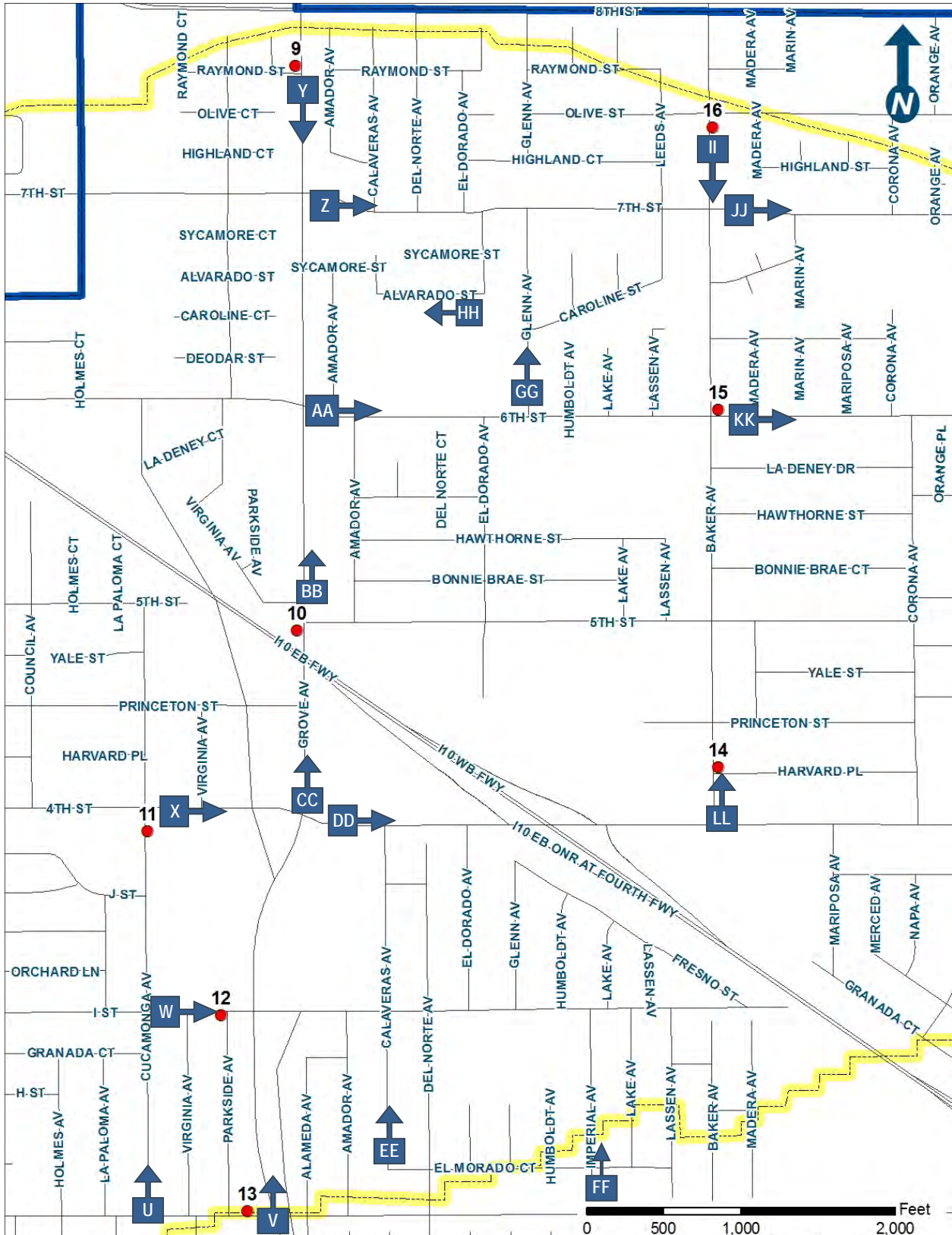
W Looking East on I St at Cucamonga Ave Intersection



X Looking East on 4th St at Cucamonga Ave Intersection



Notes:



LA/Ontario International Airport Land Use Compatibility Plan (Adopted April 19, 2011)

Y Looking East on G St at Allyn Ave Intersection



Z Looking North on Berlyn Ave at E St Intersection



AA Looking North on Cucamonga Ave at G St Intersection



BB Looking North on Grove Ave at G St Intersection



CC Looking East on I St at Cucamonga Ave Intersection



DD Looking East on 4th St at Cucamonga Ave Intersection



Notes:

EE Looking North on Calaveras Ave at El Morado Ct Intersection



FF Looking North on Imperial Ave at El Morado Ct Intersection



GG Looking North Glenn Ave at 6th St Intersection



HH Looking West on Alvarado St



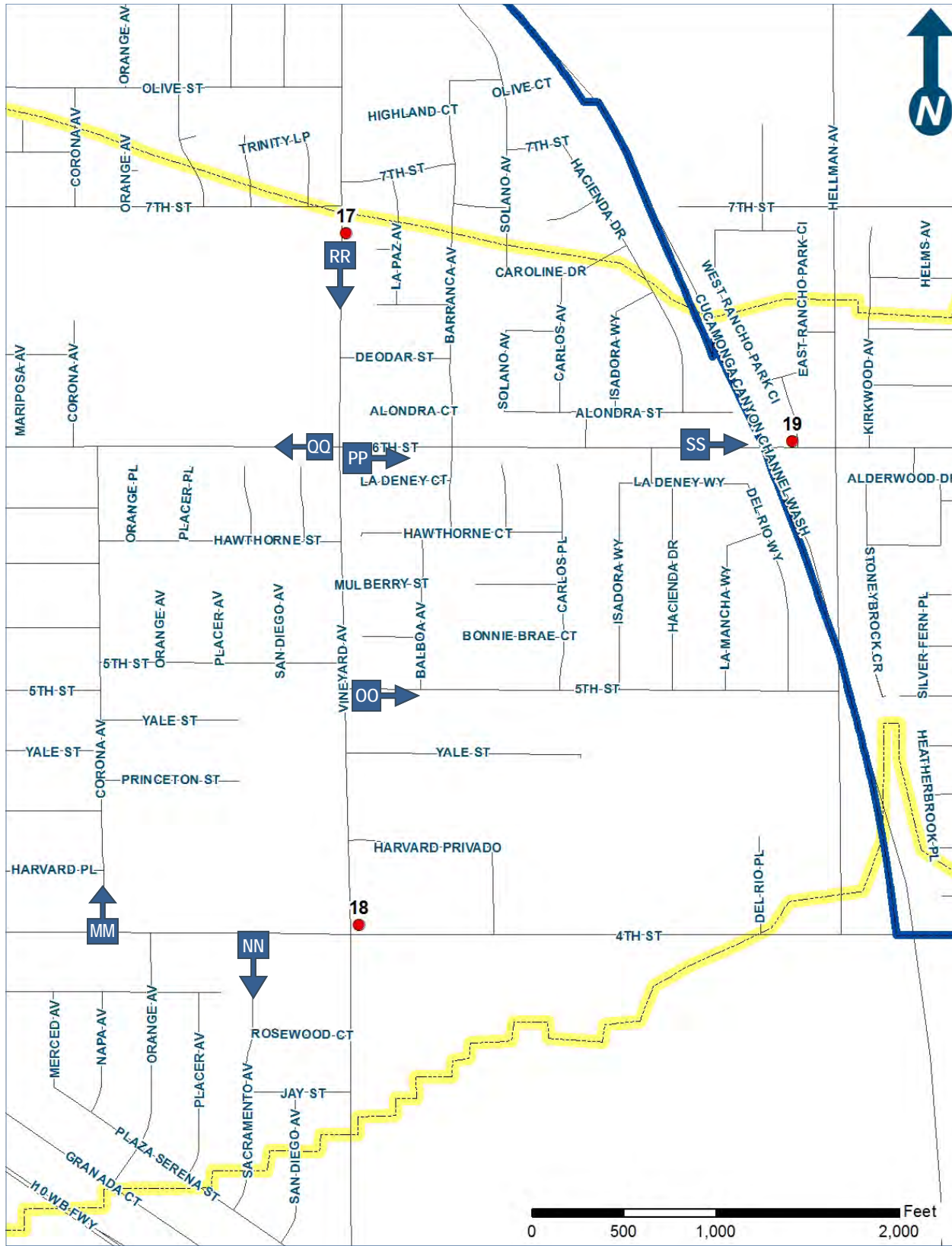
II Looking South on Baker Av at Olive St Intersection



JJ Looking East on 7th St at Baker Av Intersection



Notes:



Notes:

KK Looking East on 6th St at Baker Ave Intersection



LL Looking North on Baker Ave at 4th St Intersection



MM Looking South on Sacramento Ave at 4th St Intersection



NN Looking North on Vineyard Ave at Jay St Intersection



OO Looking East on 5th St at Vineyard Ave Intersection



PP Looking East on 6th St at Vineyard Ave Intersection



Notes:



QQ Looking West on 5th St at Vineyard Ave Intersection



RR Looking South on Vineyard Ave at 7th St Intersection



SS Looking East on 6th St at Cucamonga Canyon Wash Bridge



TT Looking South on Archibald Ave near 7th St Intersection



UU Looking East on 6th St at Archibald Ave Intersection



VV Looking North on Archibald Ave at 4th St Intersection



Notes:



WW Looking East on 4th St at Turner Ave Intersection



XX Looking North on Hermosa Ave at 4th St Intersection



YY Looking South on Hermosa Ave near 6th St Intersection



ZZ Looking North on Haven Ave at 4th St Intersection



AAA Looking East on 4th St at Haven Ave Intersection



BBB Looking South on Haven Ave at 7th St Intersection



Notes:

CCC Looking West on 6th St at Cleveland Ave Intersection



DDD Looking North on Cleveland Ave at 4th St Intersection



EEE Looking North on Milliken Ave at 4th St Intersection



FFF Looking West on 4th St at Milliken Ave Intersection



GGG Looking South on Milliken at 5th St Intersection



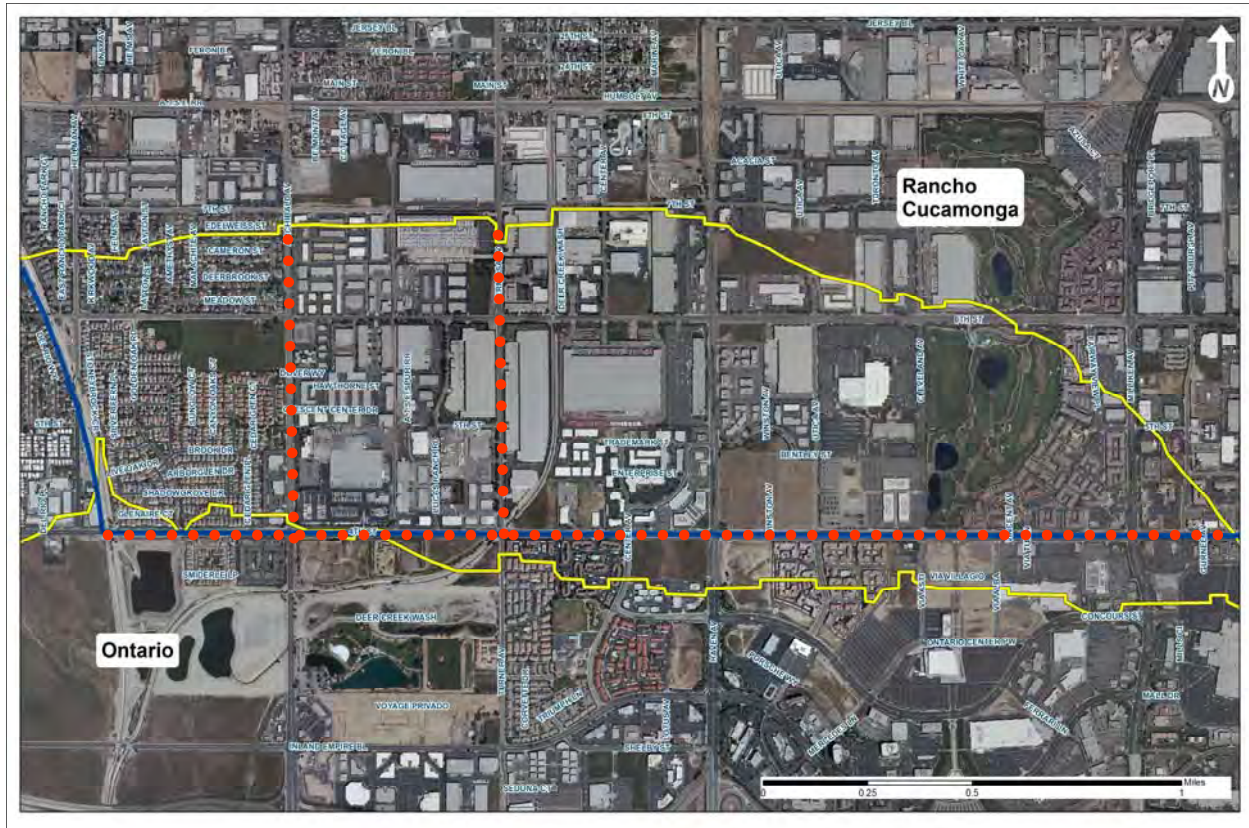
Notes:

Rancho Cucamonga Street Tree Information

Common Name:	London Plane Tree
Botanical Name:	Platanus acerifolia
Mature Height Range:	40 ft - 80 ft
Spread:	30 ft - 40 ft



The map below identifies the streets where the London Plane Tree can be found within the City of Rancho Cucamonga. Tree information was obtained from the *Sunset Western Garden Book*.

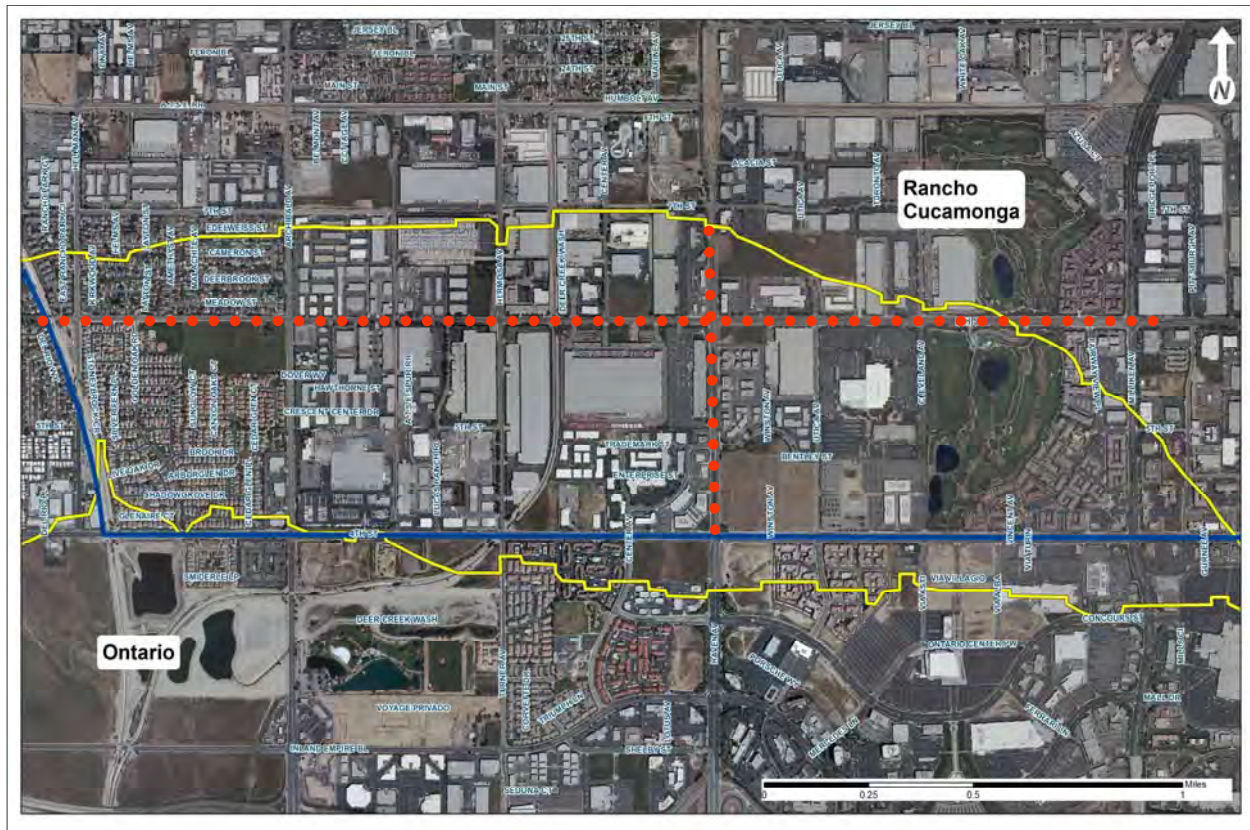


Rancho Cucamonga Street Tree Information

Common Name:	n/a
Botanical Name:	Magnolia Grandiflora 'Majestic Beauty'
Mature Height Range:	35 ft - 50 ft
Spread:	20 ft



The map below identifies the streets where the Magnolia Grandiflora can be found within the City of Rancho Cucamonga. Tree information was obtained from the *Sunset Western Garden Book*.

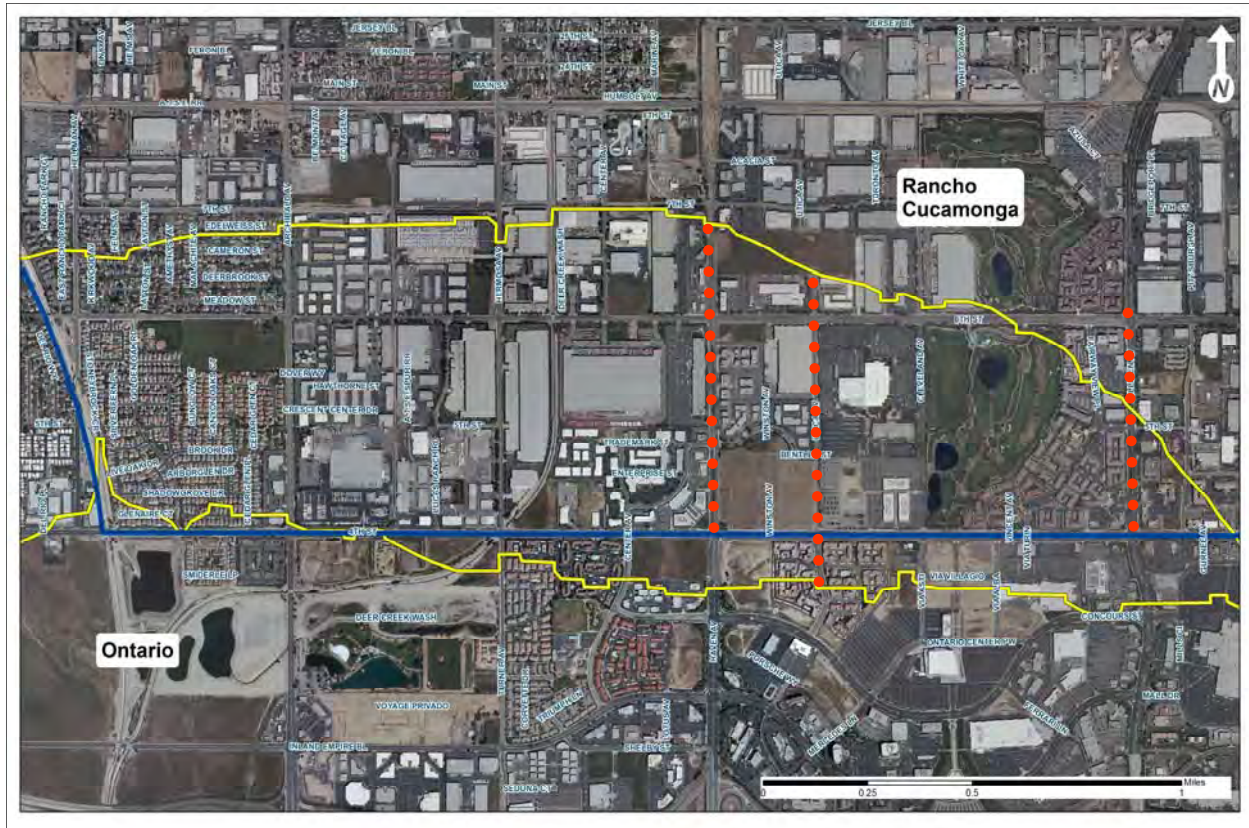


Rancho Cucamonga Street Tree Information

Common Name:	Bottle Tree
Botanical Name:	Brachychiton populneus
Mature Height Range:	30 ft - 50 ft
Spread:	30 ft

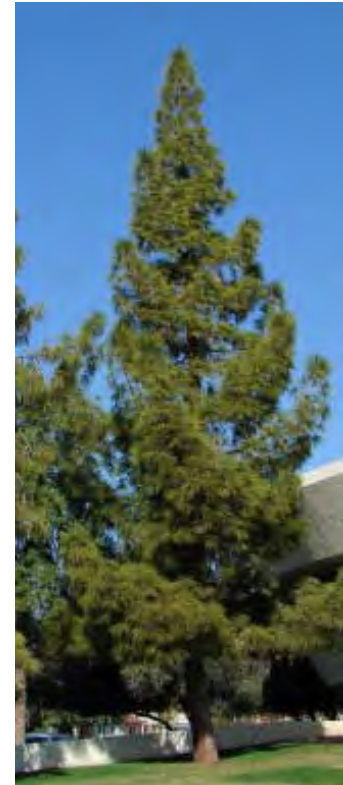


The map below identifies the streets where the Bottle Tree can be found within the City of Rancho Cucamonga. Tree information was obtained from the *Sunset Western Garden Book*.



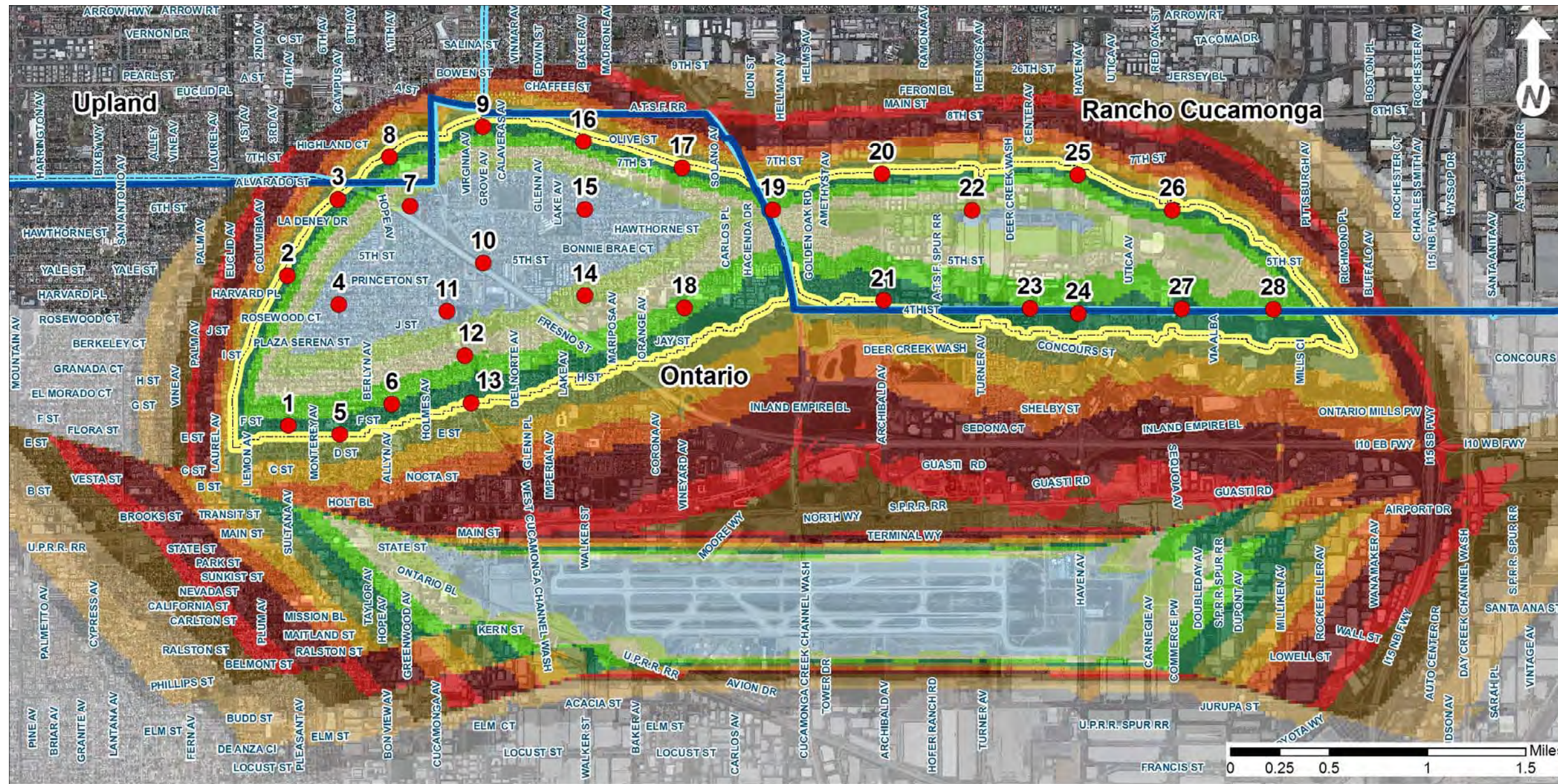
Rancho Cucamonga Street Tree Information

Common Name:	Canary Island Pine
Botanical Name:	Pinus canariensis
Mature Height Range:	50 ft - 80 ft
Spread:	20 ft - 35 ft



The map below identifies the streets where the Canary Island Pine can be found within the City of Rancho Cucamonga. Tree information was obtained from the *Sunset Western Garden Book*.





This figure, J1 shows the geographic location of each SCE Pole surveyed and outlines the High Terrain Zone study area. This figure also illustrates the results of the GIS 3D Analyst which calculated the allowable heights by taking the underlying ground elevation and comparing it to the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces. The 2-dimensional map produced a color banded map, with each color band representing a range of allowable heights.

Also, included as part of this exhibit is the table below which lists the average SCE pole separation on the major streets, where SCE poles were surveyed. The distance between SCE poles within the study area range from 100ft to 200ft apart. Although, the map only shows the location of poles surveyed, there is a multiple number of obstructions within the study area that are no more than 200 feet apart.

Legend

- SCE Pole Locations
- ▭ Ontario City Limits
- ▭ City Limits
- ▭ High Terrain Zone Study Area

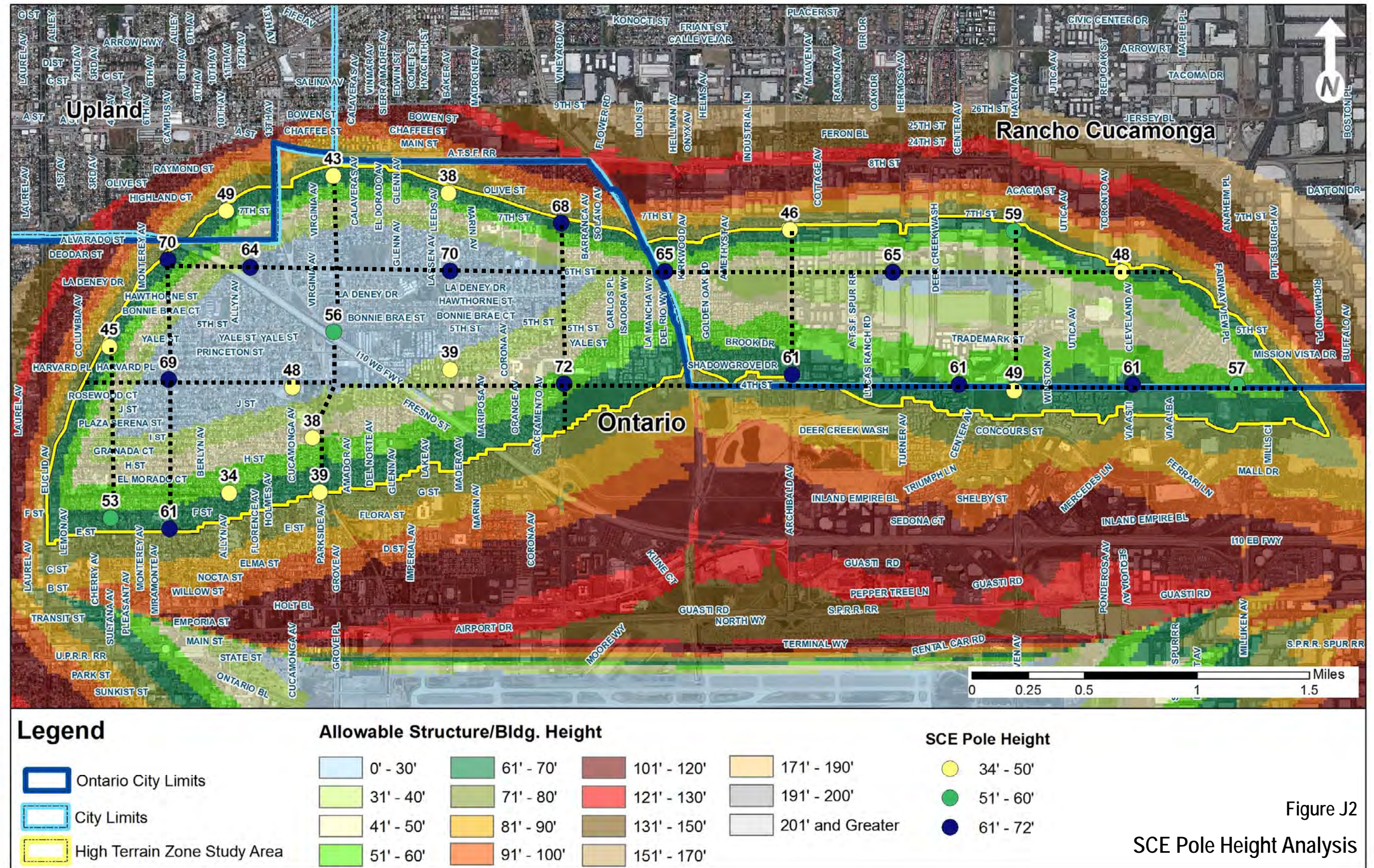
Allowable Structure/Bldg. Height

0' - 30'	61' - 70'	101' - 120'	171' - 190'
31' - 40'	71' - 80'	121' - 130'	191' - 200'
41' - 50'	81' - 90'	131' - 150'	201' and Greater
51' - 60'	91' - 100'	151' - 170'	

Figure J1
High Terrain Zone Study Area & SCE Pole Locations

Street Name (Orientation)	Pole separations (average in feet)
Sultana Avenue (North - South)	130 ft - 200 ft
Campus Avenue (North - South)	120 ft - 200 ft
Grove Avenue (North - South)	100ft - 150 ft
Vineyard Avenue (North - South)	200ft
Archibald Avenue (North - South)	150 ft - 200 ft
Haven Avenue (North - South)	150 ft
Sixth Street (East - West)	100ft - 230 ft
Fourth Street (East - West)	120ft - 190 ft

Figure J2, shows the geographic location of each SCE pole and its associated surveyed height. This figure only illustrates the location of poles surveyed, SCE pole distances were also examined and are listed on Figure J1. Although, this map does not show each SCE pole obstruction there is a multiple number of obstructions within the study area that are no more than approximately 200 feet apart. Also, the black dashed lines on the map highlight the major streets that were examined as part of this study.



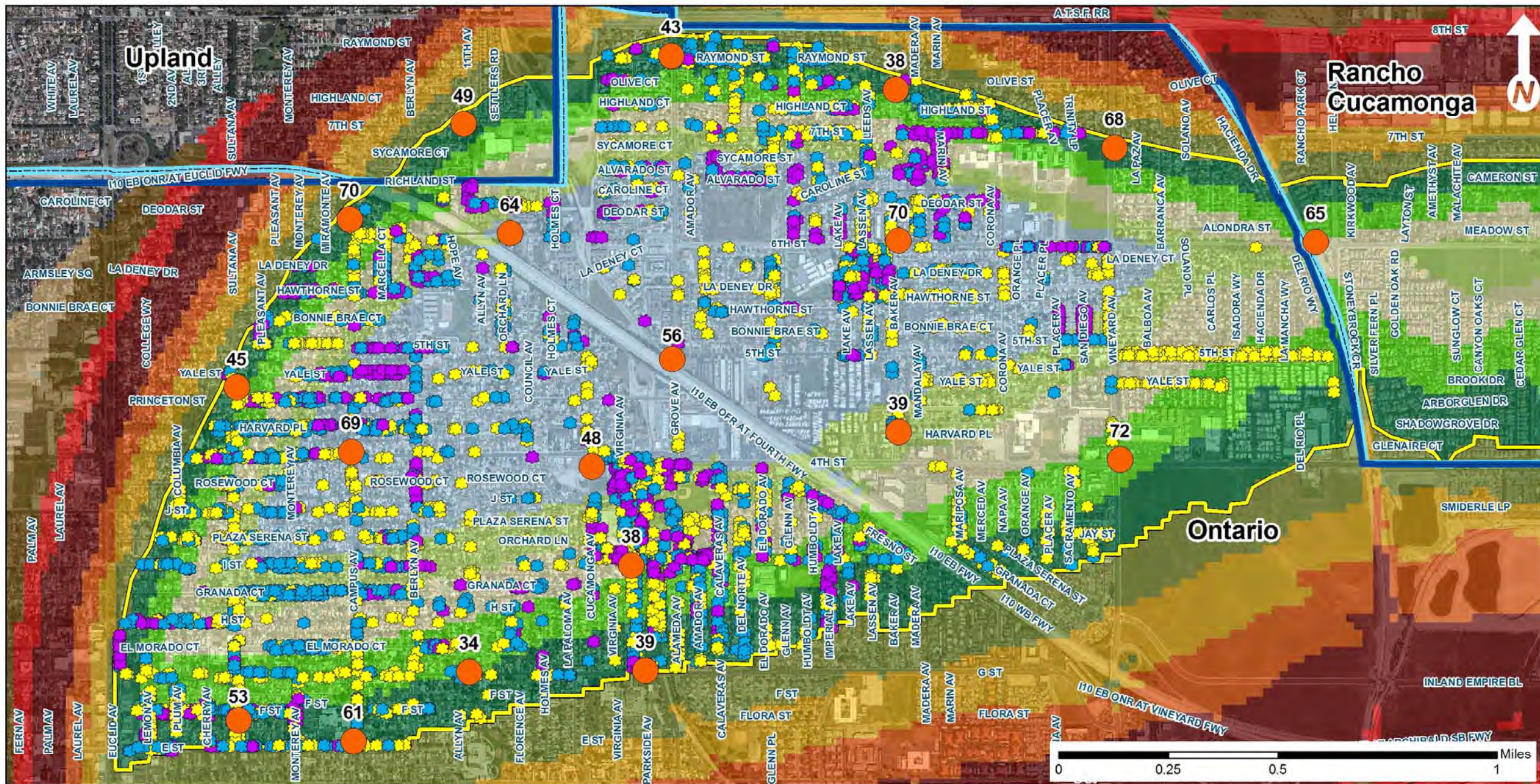


Figure J3, focuses on street trees within the public-right-of-way in conjunction with their associated heights. This map also includes SCE pole locations and surveyed height.

This figure also demonstrates the concentration of established street trees within areas of the western portion of the high terrain zone study area.

Legend

- SCE Pole Locations
- Ontario City Limits
- City Limits
- High Terrain Zone Study Area

Allowable Structure/Bldg. Height

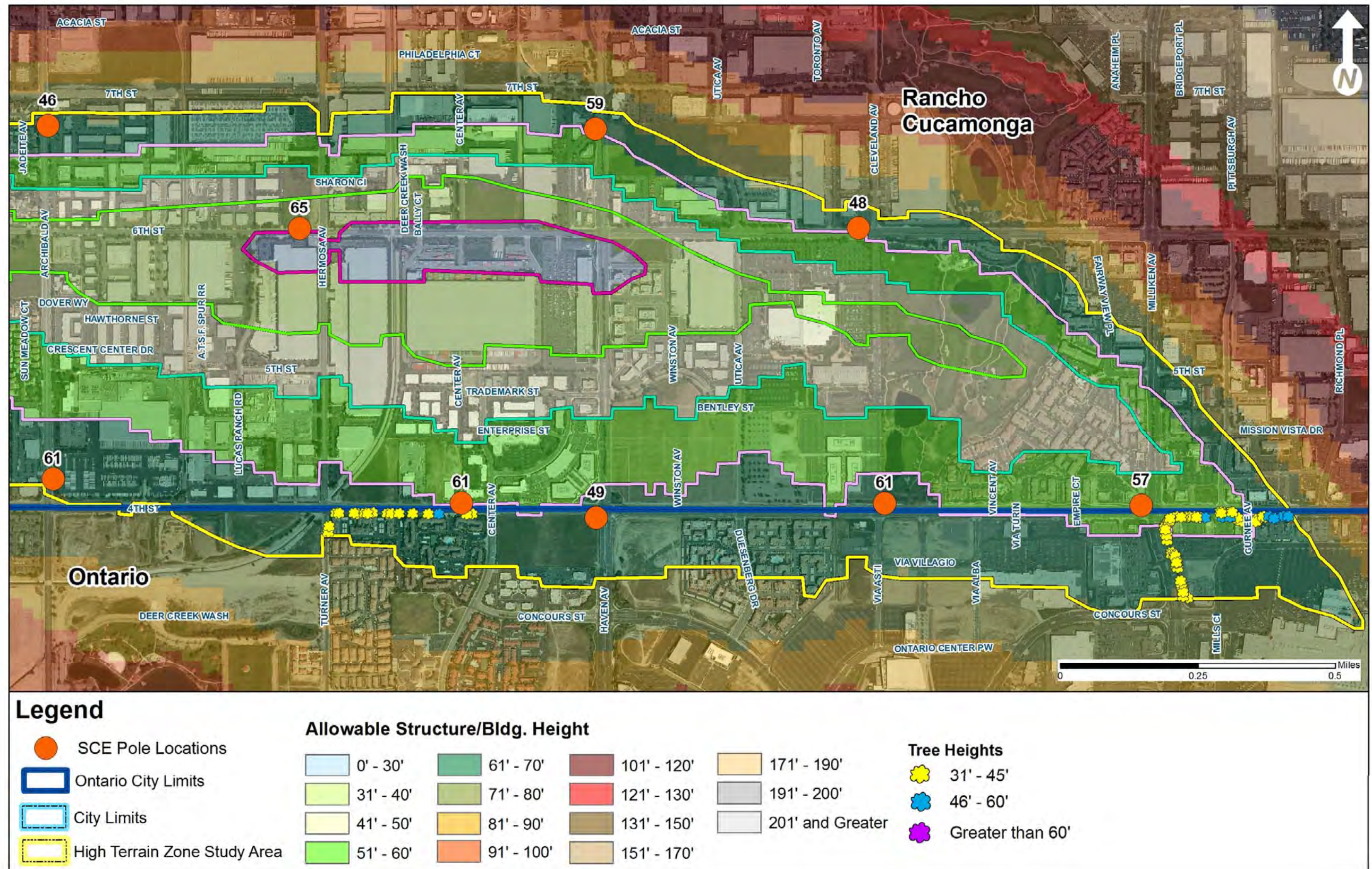
0' - 30'	61' - 70'	101' - 120'	171' - 190'
31' - 40'	71' - 80'	121' - 130'	191' - 200'
41' - 50'	81' - 90'	131' - 150'	201' and Greater
51' - 60'	91' - 100'	151' - 170'	

Tree Heights

- ✿ 31' - 45'
- ✿ 46' - 60'
- ✿ Greater than 60'

Figure J3
West Side
Tree Height Analysis

Figure J4, focuses on street trees within the public-right-of-way on the eastern half of the High Terrain Zone study area in conjunction with their associated heights. This figure only concentrates on street tree information for the City of Ontario. Information on street trees for the City of Rancho Cucamonga is provided on pages J33 - J36 of this appendix.





CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director *CW*

DATE: June 26, 2018

SUBJECT: ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. 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, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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: 0218-221-09, 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.**

Staff is recommending that this item be continued to the July 24, 2018, Planning Commission meeting to allow staff and the applicant additional time to address project related issues.



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director *CW*

DATE: June 26, 2018

SUBJECT: ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA17-003: A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). 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, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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: 0218-221-09, 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 Required.**

Staff is recommending that this item be continued to the July 24, 2018, Planning Commission meeting to allow staff and the applicant additional time to address project related issues.



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director *CW*

DATE: June 26, 2018

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF MAY 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of May 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>.

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of May 2018

CITY COUNCIL/HOUSING AUTHORITY MEETING

May 1, 2018

PROCLAMATION OF HISTORIC PRESERVATION MONTH MAY 2018

Action: The City Council proclaimed the month of May as Historic Preservation month.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA17-007:

A Development Agreement between the City of Ontario and RCCD Inc., 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 RCCD INC.**

Action: The City Council approved and waived further reading of the enacting ordinance.

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 approved and waived further reading of the enacting ordinances.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FILE NO. PDCA18-002:

A Development Code Amendment proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of May 2018

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 6 to 0.**

Action: The City Council approved and waived further reading of the enacting ordinance.

EIGHTEENTH ANNUAL MODEL COLONY AWARDS FILE NO. PHP18-003: Presentation of Model Colony Awards to the recipients of the Eighteenth Annual Model Colony Awards; **submitted by City of Ontario.**

Action: Model Colony Awards were presented to the recipients.

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 approved and waived further reading of the enacting ordinance.

DEVELOPMENT ADVISORY BOARD MEETING

May 7, 2018

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)

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of May 2018

zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-343-16) **submitted by CRC Investments, LLC.** Planning Commission action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

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 42,112 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); (APNs: 1049-232-21) **submitted by Agrigold Joint Venture.** 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. PDEV17-039:

A Development Plan to construct a 5.77-acre employee parking lot for UPS, on 6.89 acres of land, located at northwest corner of Haven Avenue and Francis Street, within the Business Park land use district of the ACCO Airport Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15311 (Classes 4 and 11, Minor Alterations to Land and Accessory Structures) 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: 0211-263-32) **submitted by UPS.**

Action: The Development Advisory Board approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-040:

A Development Plan to construct a 2.8-acre truck-trailer parking lot for UPS, on 3.95 acres of land, located on a triangular-shaped area bordered by Metro Way on the south, Excise Avenue on the east, and Francis Street on the northwest, within the Business Park land use district of the ACCO Airport Specific Plan. The project is categorically exempt from the requirements of the

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of May 2018

California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15311 (Classes 4 and 11, Minor Alterations to Land and Accessory Structures) 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: 0211-263-38, 0211-263-39 and 0211-263-40) **submitted by UPS.**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

May 7, 2018

Meeting Cancelled

CITY COUNCIL/HOUSING AUTHORITY MEETING

May 15, 2018

CITY OF ONTARIO 2018 CEQA GUIDELINES AMENDMENT: An Amendment to the City's local guidelines for implementing the California Environmental Quality Act (CEQA) in order to make them consistent with current provisions and interpretations of CEQA. **City Initiated.**

Action: The City Council adopted a resolution approving the amendment.

FINAL WRITTEN REPORT FOR INTERIM URGENCY ORDINANCE NO. 3056, A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES: A written report issued 10 days prior to the expiration of Ordinance No. 3056 describing the measures taken to alleviate the conditions which led to the adoption of the moratorium in compliance with Government Code Section 65858 (d). **City Initiated.**

Action: The City Council accepted the report.

ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-046: An appeal of the Planning Commission's approval of a Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. 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

City of Ontario Planning Department
Monthly Activity Report—Actions
Month of May 2018

Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Sylvia DeVries**. The Planning Commission approved this item on March 27, 2018, with a vote of 6 to 0.

Action: The City Council denied the appeal and upheld the Planning Commission’s action to approve the project.

DEVELOPMENT ADVISORY BOARD MEETING

May 21, 2018

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, Inc.** Planning Commission Action is required.

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

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**. 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. PDEV17-059:

A Development Plan (File No. PDEV17-059) to construct a 27,593 square foot industrial building on 1.57 acres of land within the IG (General Industrial) zoning district, located at southeast corner of Taylor Avenue and Sunkist Street. The project is categorically exempt from the requirements

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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); (APNs: 1049-212-05, 1049-212-06, 1049-212-07, 1049-212-08, 1049-212-09, 1049-212-10, 1049-212-11 & 1049-212-12) **submitted by Harrie Cohen.**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

May 21, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP17-027: A Conditional Use Permit request to construct a detached two-story (24-feet in height) accessory structure totaling 1,520 square feet, consisting of a 790 square foot first floor 2-car garage and a 730 square foot second floor accessory dwelling unit, on 0.18 acres of land located at 530 West Nevada Street, within the LDR-5 (Low-Density Residential) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1-Existing Facilities) of the CEQA guidelines. The project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP); (APN: 1049-293-18) **submitted by Mr. Fernando Solis.**

Action: The Zoning Administrator approved the Conditional Use Permit subject to conditions.

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING

May 22, 2018

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.

Action: The Planning Commission recommended the City Council approve the project.

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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**

Action: The Planning Commission approved the project subject to conditions.

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.**

Action: The Planning Commission approved the project subject to conditions.

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.**

Action: The Planning Commission approved the project subject to conditions.

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 drive-thru restaurants (1,800 square feet, 3,000 square feet and

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3,320 square feet) 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.**

Action: The Planning Commission approved the project subject to conditions.

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 Colony Commerce Center LLC.** City Council Action Required.

Action: The Planning Commission recommended the City Council approve the project.

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PADV18-002:

Submitted by City of Ontario

City initiated Housing Element Available Land Inventory amendment to update the list through PZC17-001 and include new high density development.

PADV18-003:

Submitted by City of Ontario and Huerta del Valle

Administrative Use Permit to establish a Community Garden and Urban Farm with incidental on-site composting, and an on-site Produce Sales Stand, located at 1105 South Campus Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district (APNs: 1049-451-19, 1049-451-15, 1049-451-08, and 1049-451-05).

PALU18-001:

Submitted by City of Ontario

CITY OF ONTARIO - A General Plan Amendment (File No. PGPA18-001) to change the Land Use Designation from Office Commercial to Industrial, and a Specific Plan Amendment (File No. PSPA18-002) to the California Commerce Center Specific Plan, changing the land use from Commercial/Food/Hotel to Rail Industrial, on 2.05 acres of land located at the southeast corner of Haven Avenue and Francis Street (APN: 0211-281-56).

PALU18-002:

Submitted by City of Rancho Cucamonga

CITY OF RANCHO CUCAMONGA - A request to construct a new 74.75-FT grain storage silo within the Ontario International Airport Airspace Protection Zone's High Terrain Zone, located at 9535 Archibald Avenue, Rancho Cucamonga, CA 91730. A previous request was processed on the project site for a 92-FT tall addition to an existing warehouse building. See Federal Aviation Administration "Determination of No Hazard to Air Navigation" (2014-AWP-874-0E, 2014-AWP-1354-0E, and 2014-AWP-1364-0E).

PALU18-003:

Submitted by City of Ontario

CITY OF ONTARIO - A General Plan Amendment (File No. PGPA 16-002) to change the land use designation on 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR), and a Specific Plan (File No. PSP16-002 -West Ontario Commerce Center) establishing land use designations, development standards, design guidelines and infrastructure improvements on approximately 119 acres of land, and includes the potential development of up to 2,905,510 SF of industrial and business park development. The project site is bordered by Eucalyptus Avenue on the north, Cucamonga Creek Channel on the east, Merrill Avenue on the south, and Carpenter Avenue on the west.

PALU18-004:

Submitted by City of Ontario

An amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) to [1] eliminate the reconfiguration of the ONT runway system that were part of LAWA's ONT Master Planning efforts, [2] update the Policy Maps and text to reflect the current runway system, and [3] update airport ownership from LAWA to OIAA throughout the document.

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Month of May 2018

PCUP18-016: **Submitted by Kids Empire Ontario, LLC**

A Conditional Use Permit to establish a 14,253-square foot children’s indoor fitness playground on 0.32 acres of land located at 130 West G Street, within the MU-1 (Downtown Mixed Use) zoning district (APN: 1048-271-19).

PCUP18-017: **Submitted by Skingenix Inc.**

A Conditional Use Permit to establish a drug manufacturing facility within an existing 33,080-square foot industrial use building on a 0.89-acre parcel of land located at 1785 South Performa Avenue, within the Industrial land use district of the Corsair Specific Plan (APN: 0211-242-46).

PDET18-002: **Submitted by Janell Crossley**

A Determination of Use to establishment whether a banquet facility is similar to, and of no greater intensity than other allowed land uses within the Mountain Village Specific Plan.

PDEV18-016: **Submitted by Tectonic Engineering**

A Development Plan to construct small cell wireless telecommunications facilities (for Verizon Wireless) attached to existing utility poles at various locations throughout the City, within City rights-of-way (APN: 1048-542-16).

PGPA18-002: **Submitted by The Galloway Group**

An Amendment to the Land Use Element of the Policy Plan (General Plan) component of The Ontario Plan, changing the land use designation on 30.63 acres of land from General Commercial/Business Park to Business Park, located at the southwest corner of Riverside Drive and Hamner Avenue, within the Edenglen Specific Plan, and modifying Exhibit LU-03 (Future Buildout Table) to be consistent with this land use designation change (APN: 218-171-27).

PMTT18-007: **Submitted by TK Management Systems, LLC**

A Tentative Tract Map to subdivide 9.57 acres of land into 18 single family lots, located at 991 and 1103 South Benson, within the AR-2 (Residential-Agriculture – 0 to 2.0 DU/Acre) zoning district (APN's 1011-431-01 and 1011-521-06).

PMTT18-008: **Submitted by Toan Nguyen**

A Tentative Tract Map (TT 20144) to subdivide one-acre of land into 4 numbered lots and 3 lettered (common) lots, located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district (APN: 1014-532-04).

PSGN18-058: **Submitted by Fluoresco Services/ Everbrite**

A Sign Plan for the installation of a wall sign (north elevation) for BEST BUY, located at 2104 East Jay Street, within the Meredith Avenue Specific Plan (APN: 0110-311-50).

Monthly Activity Report—New Applications

Month of May 2018

PSGN18-059: **Submitted by Signtech Electrical Advertising**

A Sign Plan for the installation of three new wall signs and new sign faces for three monument signs for AT&T, located at 2200 East Grove Avenue, within the Grove Avenue Specific Plan (APN: 1051-151-12).

PSGN18-060: **Submitted by Temeka Advertising**

A Sign Plan for the installation of one wall sign for MORTGAGE SOLUTIONS OF COLORADO, located at 3130-B East Inland Empire Boulevard, within the Ontario Center Specific Plan (APN: 0210-571-19).

PSGN18-061: **Submitted by Americas Instant Signs**

A Sign Plan for the installation of one wall sign for BALDA STEVANATO GROUP, located at 4501 East Wall Street, within the California Commerce Center Specific Plan (APN: 0238-221-11).

PSGN18-062: **Submitted by Eddy Hsieh**

A Sign Plan for the installation of two wall signs for D GRILL BOY, located at 4323 East Mills Circle, Suite 104, within the Ontario Mills Specific Plan (APN: 0238-014-49).

PSGN18-063: **Submitted by USA Threading Salon**

A Sign Plan for a temporary banner sign for USA THREADING SALON, located at 2536 South Grove Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1051-321-51). 5/23/2018 to 6/22/2018.

PSGN18-064: **Submitted by SignTech Electrical Advertising**

A Sign Plan for the reface of two existing wall signs (north and south elevations) for EAST WEST BANK, located at 3237 East Guasti Road, Suite 110, within the Centrelake Specific Plan (APN: 0210-551-18).

PSGN18-065: **Submitted by Sono Bello**

A Sign Plan for the installation of one wall sign (east Elevation) for SONO BELLO, located at 3281 East Guasti Road, Suite 550, within the Centrelake Specific Plan (APN: 0210-551-19)

PSGN18-066: **Submitted by Golden Espresso Transportation**

A Sign Plan for a temporary banner sign for GOLDEN EXPRESSO TRANSPORTATION INC., located at 205 West Holt Boulevard, within the MU-1 (Downtown Mixed Use) zoning district. 6/1/2018 to 7/1/2018.

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PSGN18-067:

Submitted by Promotion Plus Sign Co.

A Sign Plan for the installation of replacement signs for a SHELL service station, including canopy reface, new logo, reface under-canopy signage (pump number signs, pump face signs), legalize and reface existing monument sign with new LED price sign, remove unpermitted signs, reface existing legal non-conforming freeway pylon sign (no structural changes), and reface carwash signs, located at 1521 East Fourth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre) zoning district (APN: 0110-391-33).

PSPA18-003:

Submitted by The Galloway Group

An amendment to the Edenglen Specific Plan, changing the land use designation on 30.63 acres of land from Community Commercial and Commercial/Business Park Flex Zone to Business Park, and revising related standards/guidelines within the Business Park land use designation, located at southwest corner of Riverside Drive and Hamner Avenue (APNs: 218-171-27, 218-171-19 & 218-171-21). Related File: PGPA18-002.

PTUP18-031:

Submitted by Montecito Baptist Church

A Temporary Use Permit for a Pastor's School Conference hosted by Montecito Baptist Church, located at 2560 South Archibald Avenue, within the CC (Community Commercial) zoning district (APN: 1083-011-02). Event to be held: 6/4/2018 to 6/7/2018.

PTUP18-032:

Submitted by Sam's East Inc.

A Temporary Use Permit for a temporary truck trailer parking facility on 2.0 acres of land, located at the Southwest corner Belmont Street and Cucamonga Avenue, at 1010 East Belmont Street, within the IL (Light Industrial) zoning district (APN: 1049-431-08).

PTUP18-033:

Submitted by Taqueria Tamazulena

A Temporary Use Permit for a 20th anniversary event for Taqueria Tamazulena, located at 635 East Holt Boulevard, Suite B, within the CN (Neighborhood Commercial) zoning district (APN: 1048-525-20). Event to be held: 5/20/2018.

PTUP18-034:

Submitted by South Gate Engineering

A Temporary Use Permit for a company picnic for employees and family for South Gate Engineering, located at 800 North Archibald Avenue, OS-R (Open Space – Recreation) zoning district (APN: 0110-451-01). Event to be held: 6/9/2018.

PTUP18-035:

Submitted by Church of God of Prophecy

A Temporary Use Permit for a church sponsored car wash to raise funds for church vacation bible school, located at 1130 South Campus Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district (APN: 1049-503-33). Event to be held: 6/2/2018.

Monthly Activity Report—New Applications

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PTUP18-036: **Submitted by KB Homes**

A Temporary Use Permit for a residential tract sales office located at 2075 East Bulletin Privado, within the MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 DU/Acre) zoning district (APN: 0110-441-10). Use begins on 7/14/2018 and concludes following sale of the final dwelling.

PTUP18-037: **Submitted by Sam's East Inc.**

A Temporary Use Permit to establish a temporary overflow trailer parking facility on a vacant lot (1050 East Belmont Street) adjacent to and in conjunction with, an existing warehouse/distribution facility located at 1000 South Cucamonga Avenue, within the IL (Light Industrial) zoning district (APN: 1049-431-16). 5/1/2018 through 9/20/2021.

PTUP18-038: **Submitted by KABC-TV7**

A Temporary Use Permit for the Annual Stuff a Bus fundraiser hosted by KABC-TV7, to be held at Mathis Brothers Furniture, located at 4105 East Inland Empire Boulevard, within the Ontario Center Specific Plan (APN: 0210-205-12). Event to be held: 6/15/2018.

PVER18-020: **Submitted by Cassie Phelps**

Zoning Verification for 701 South Malaga Place (APN: 0238-081-58).

PVER18-021: **Submitted by Zoning Analysis Group**

Zoning Verification for 3303 South Archibald Avenue (APN: 0218-141-22).

PVER18-022: **Submitted by Richard Smith**

Zoning Verification for 505 West Holt Boulevard (APN: 1049-021-16).

PVER18-023: **Submitted by Lionel Jauregui**

Zoning Verification for 520 East State Street (APN: 1049-283-07).

PVER18-024: **Submitted by Tammy Pote**

Zoning Verification for 3990 and 3998 East Concours Street (APN: 0210-205-17).

PVER18-025: **Submitted by Howard Zoning Association**

Zoning Verification for 2811 East Philadelphia Street (APN: 0211-275-25).

PVER18-026: **Submitted by Jesse Regnier**

Zoning Verification for 4721 East Airport Drive (APN: 0238-042-31).

PVER18-027: **Submitted by Anna Bennifield**

Zoning Verification for 3663 East Guasti Road (APN: 0210-212-59).